E-FILED
Rachel Dombrowski, Clerk
Appellate Court of Maryland
7/12/2023 12:06 AM

RECORD EXTRACT OF APPELLANT

IN THE
APPELLATE COURT
OF MARYLAND

September Term 2023,
No. 61

JUSTIN HOLDER

Appellant

V.

BENJAMIN ESTES

Appellee

Appeal from the Circuit Court of Washington County
The Honorable Andrew F. Wilkinson

RECORD EXTRACT

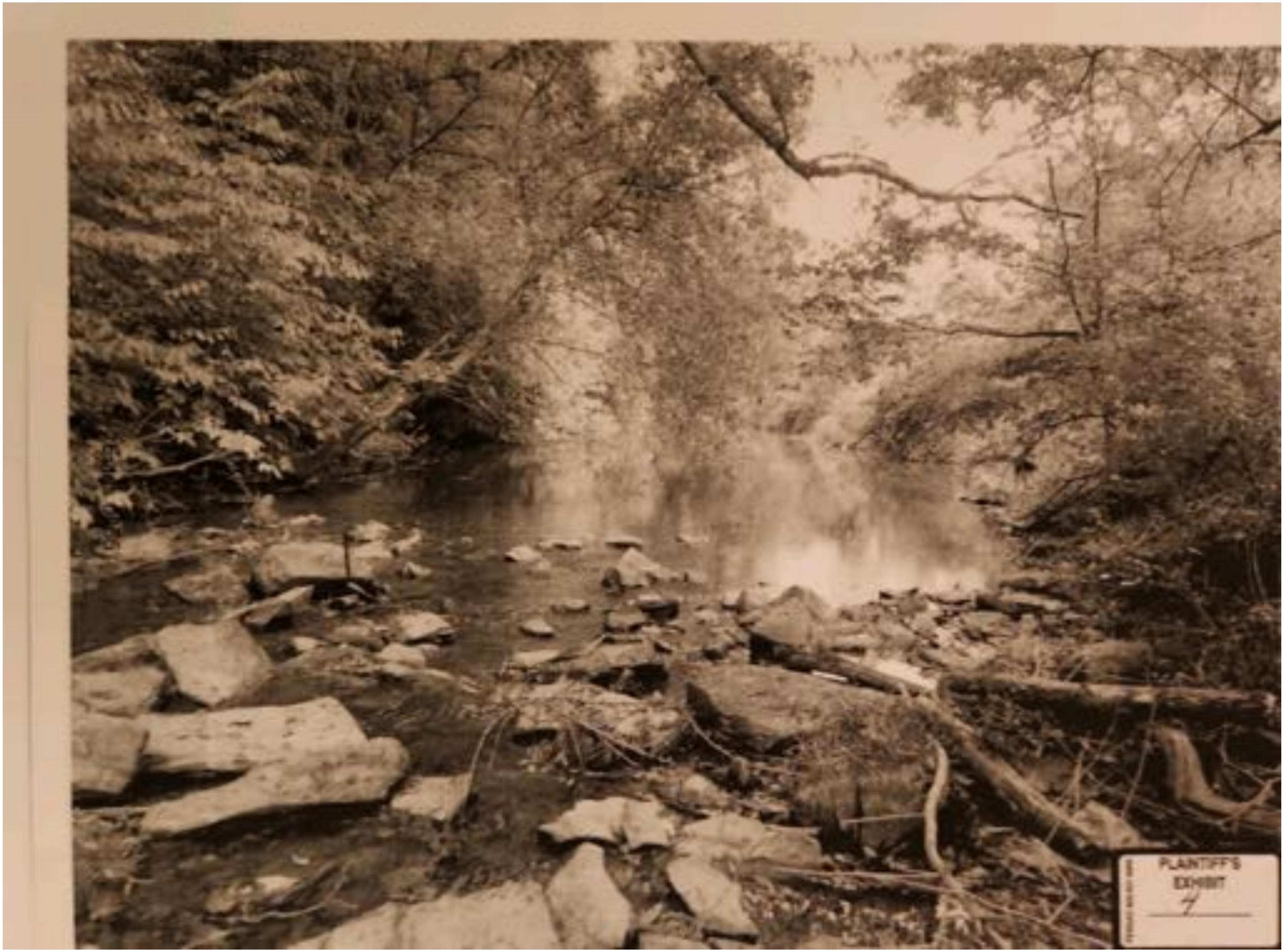
Volume 7

JUSTIN HOLDER
APPELLANT

2016

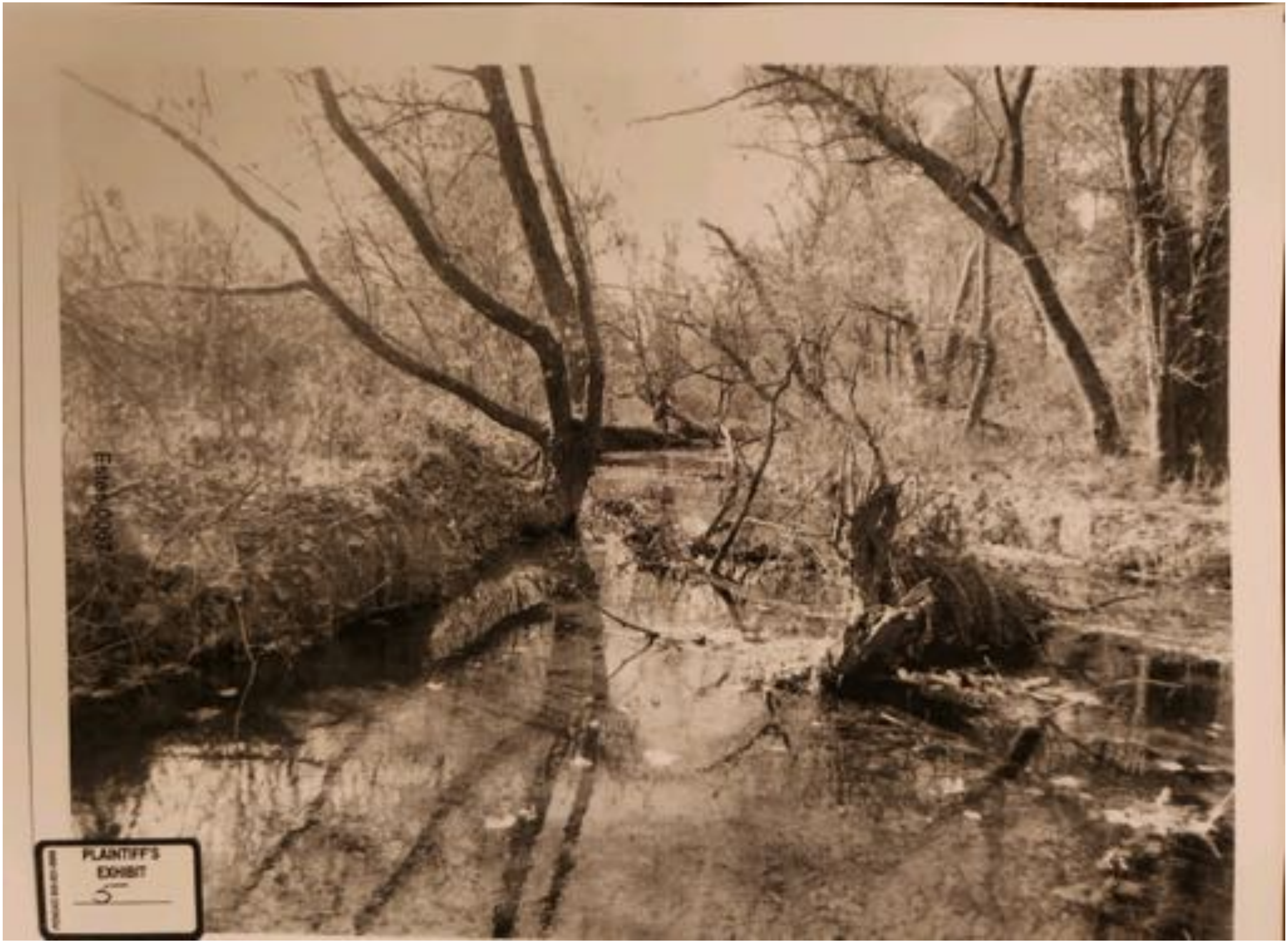
PLAINTIFF'S
EXHIBIT
3

2017



PLAINTIFF'S EXHIBIT 4

2018



Estes 0007

PLAINTIFF'S
EXHIBIT
5

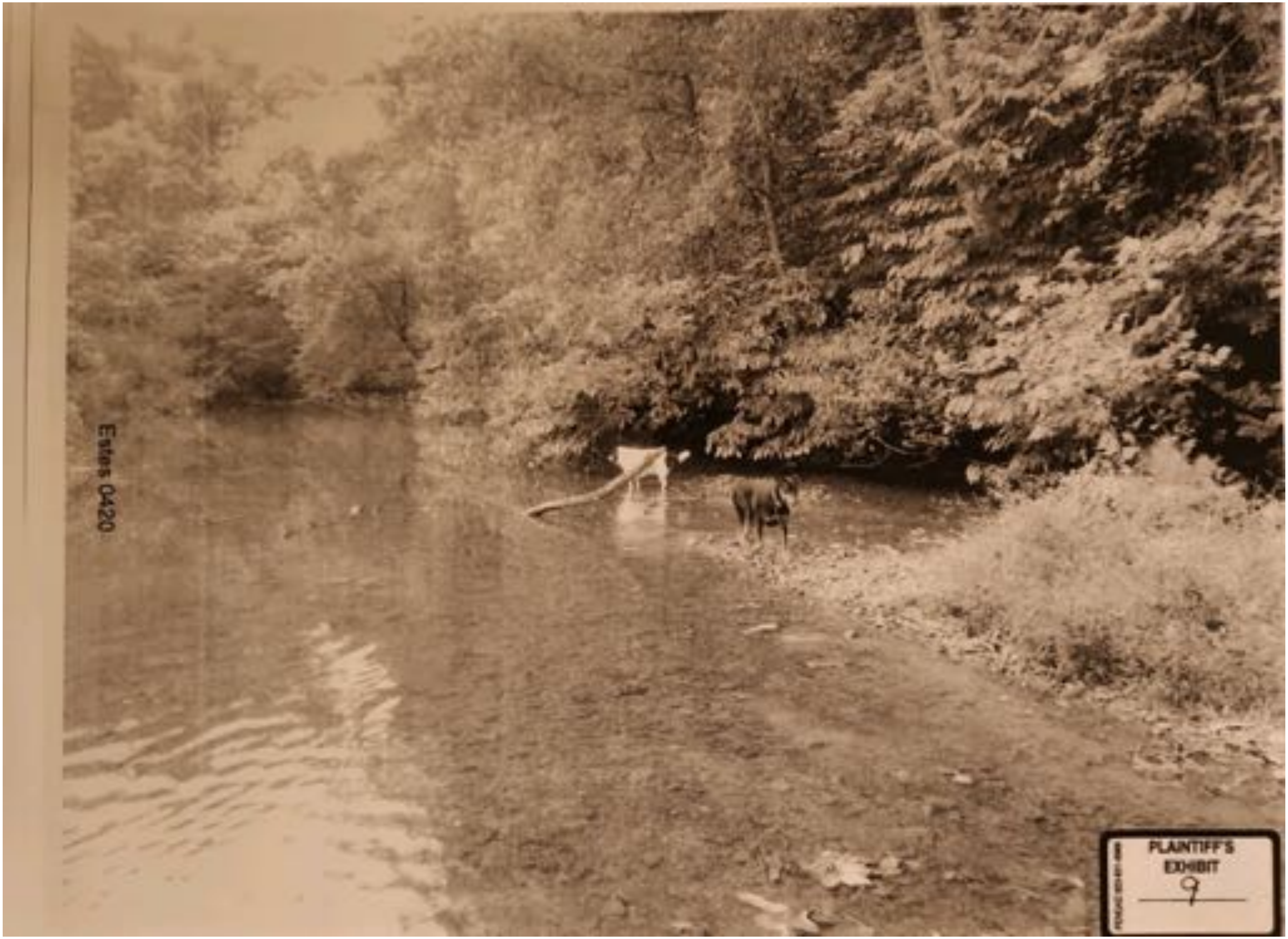
2019

PLAINTIFF'S
EXHIBIT
6

2020

PLAINTIFF'S EXHIBIT 7

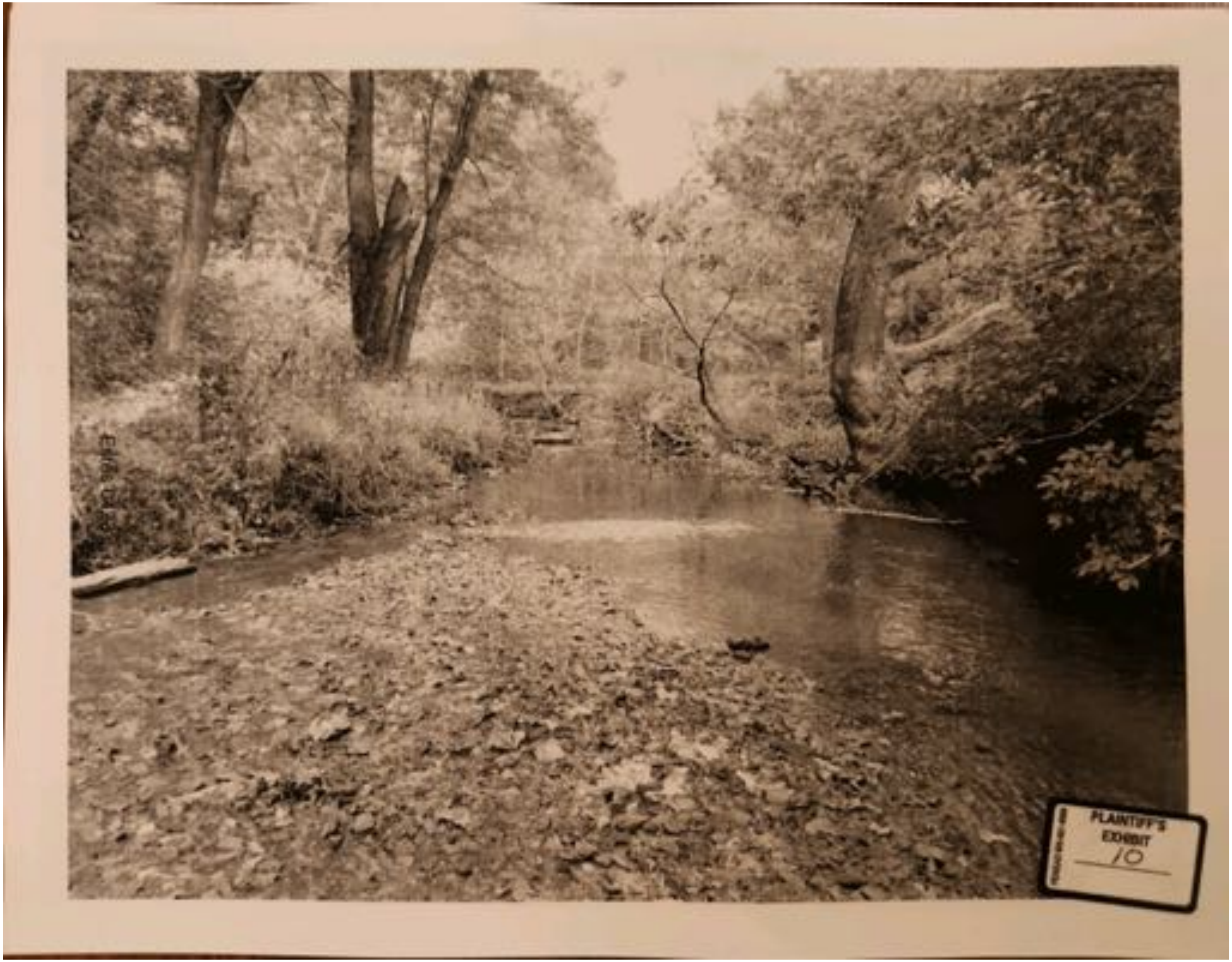
2021



PLAINTIFF'S EXHIBIT
9

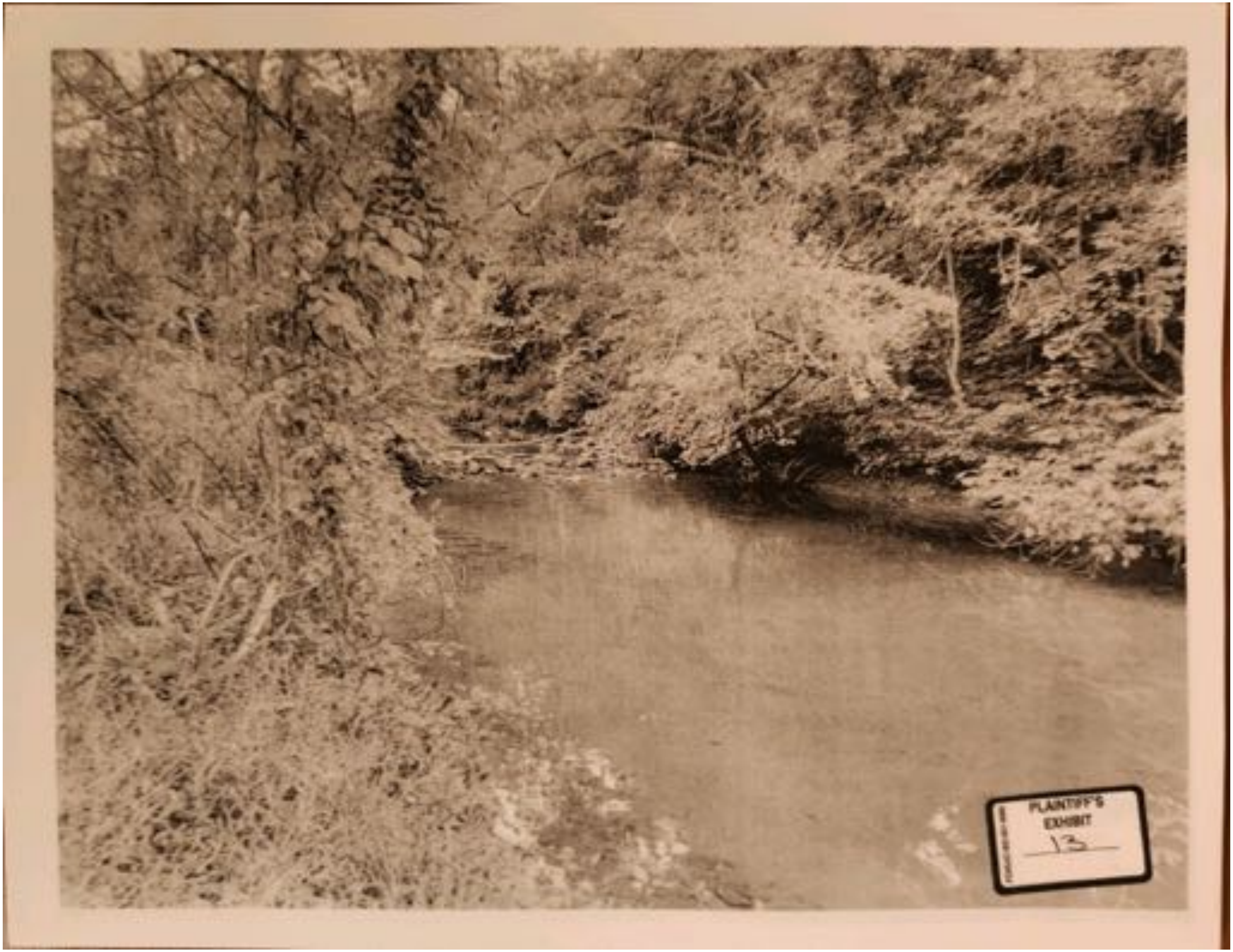
Estes 0420

2022

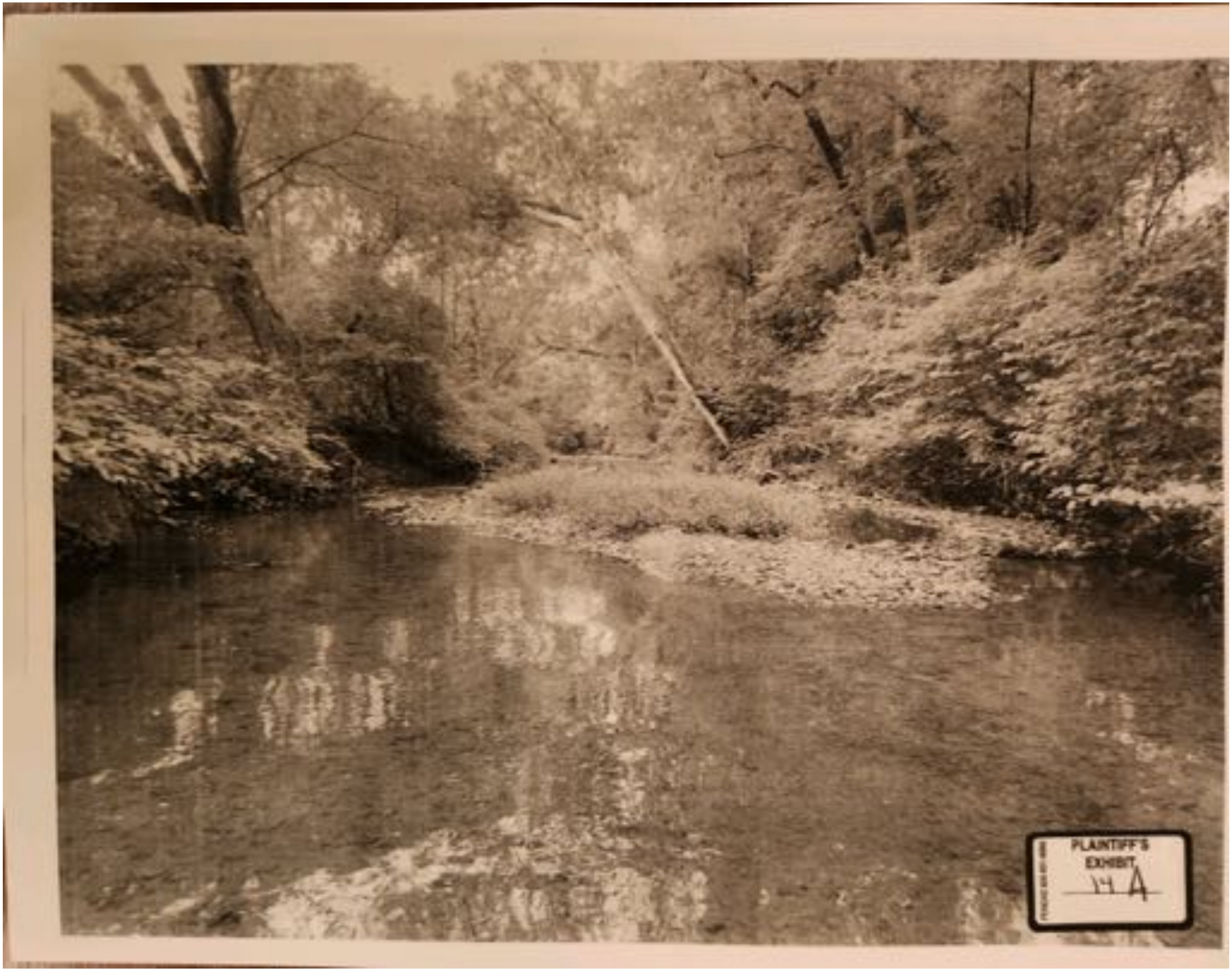


PLAINTIFF'S EXHIBIT 10

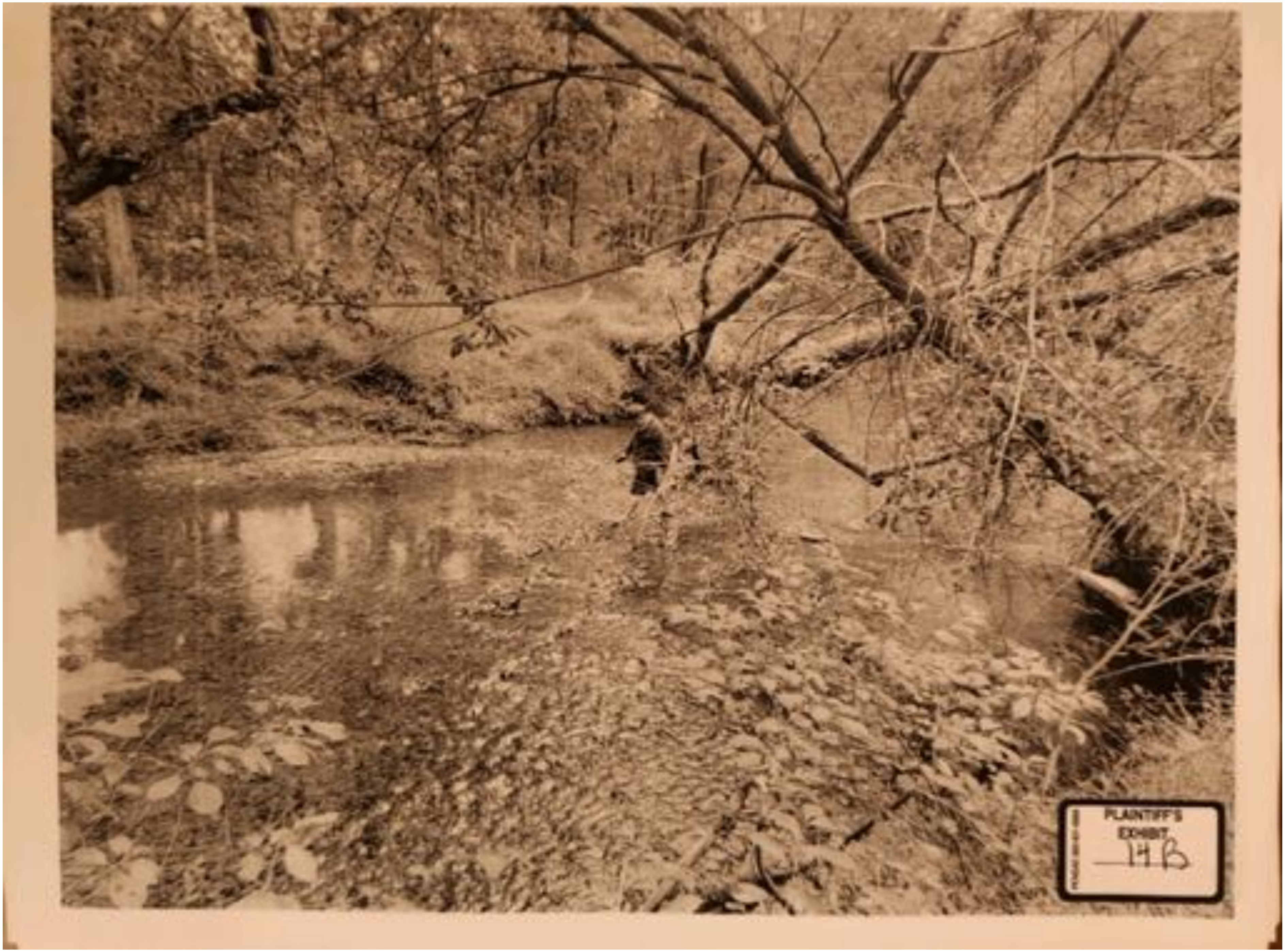
2023


PLAINTIFF'S
EXHIBIT
13

2024



PLAINTIFF'S EXHIBIT 14A


PLAINTIFF'S
EXHIBIT
14B

MAILED TO GRANTEE JAN 1 . 1966 7512 Takoma Ave., Takoma Park, Md.

RECEIVED FOR RECORD January 10, 1966 at 10:24 A.M.
Receipt No. 20170 LIBER 434

THIS DEED, Made this 7 day of January , 1966 by Ray G. Reeder and Mae M. Reeder, his wife, of Washington County, Maryland.

WITNESSETH: That for and in consideration of the sum of Ten ($10.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged prior to the delivery of these presents, we, Ray G. Reeder and Mae M. Reeder, his wife, do hereby grant and convey unto Harry F. Wickline and Lempi L. Wickline, his wife, all that piece or parcel of ground, together with the improvements thereon, situate, lying and being in Keedysville Election District in Washington County, Maryland, and more particularly described as follows:

Parcel 1: Being a part of Parcel No. 4 in a deed from J. Albert Shank et al. unto grantors herein dated April 30, 1945 and recorded in Liber No. 230, folio 139, one of the Land Records of Washington County, Maryland, and beginning for the part herein conveyed at a planted stone, said stone being at the beginning of the 12th (South 24 degrees West 27.5 perches) line of the aforementioned deed, and

1. Running thence with said 12th line South 24 degrees West 453.75 feet to iron pin in a hickory tree stump;

2. Thence following an established lane and running with the 13th (South 71 degrees 45 minutes West 31.7 perches) line of the aforementioned deed South 71 degrees 45 minutes West 523.05 feet to an iron pin near a farm gate;

3. Thence running with the 14th (South 9 degrees West 32 perches) line of the aforementioned deed South 9 degrees West 20.25 feet to an iron pin located on the Southern margin of the above mentioned lane;

4. Thence running with the Southern margin of said lane North 71 degrees 45 minutes East 470.80 feet to an iron pin;

5. Thence still running with said lane South 48 degrees 13 minutes East 33.70 feet to a planted limestone fence post;

6. Thence turning and running with the Western margin of said lane South 15 degrees 11 minutes 30 seconds East 103.10 feet to an iron pin;

7. Thence still with the Western margin of said lane South 38 degrees 15 minutes East 261.30 feet to an iron pin;

8. Thence still with the Western margin of said lane South 64 degrees 54 minutes 30 seconds East 530.40 feet to an iron pin;

9. Thence North 40 degrees 42 minutes East 321.20 feet to an iron pin on the Southern margin of the B & O Railroad right of way;

10. Thence with the Southern margin of said Railroad right of way North 39 degrees 57 minutes West 861.0 feet to an iron pin near the Southwest side of a small creek;

11. Thence North 50 degrees 18 minutes 10 seconds West 155.62 feet to the place of beginning, containing 10.457 acres of land, more or less. Saving and excepting therefrom the following:

Grantors reserve unto themselves a road right of way easement through the above described land only for the purpose of ingress and egress with farm machinery to plant and harvest crops on land owned by Grantors East of the B & O Railroad right of way; this right of way easement is on, over and follows an existing road which begins at a gate in the 6th line of the above described land and meanders through the aforementioned land to a gate in the 10th line of the above described land; reference is made to the attached plat for further location of said gates, which plat of Parcel 1 was prepared by John Mause, Jr., surveyor, from survey made December 9 and 10, 1965, and is attached hereto and incorporated herein for further description.

CANCELLED

WASHINGTON COUNTY CIRCUIT COURT (Land Records) GMS 434, p. 0776, MSA_CE18_384. Date available 09/27/2005. Printed 07/08/2020.

Page 2

Parcel 2: The Grantors further grant and convey unto the Grantees all of their right, title and interest in and to the farm lane which connects Parcel 1 to the County road leading from Keedysville to Eakles Mill (Mt. Briar Road; said lane being described as follows:

Beginning at the end of the 2nd (South 71 degrees 45 minutes West 523.05 feet) line of Parcel 1, and

1. Thence along the North margin of said lane South 71 degrees 45 minutes West 235.40 feet to iron pin in the Eastern margin of the county road leading from Keedysville to Eakles Mill (Mt. Briar Road);

2. Thence with the Eastern margin of the aforementioned road South 18 degrees 15 minutes East 18 feet to an iron pin;

3. Thence with the Southern margin of said lane North 71 degrees 45 minutes East 215.93 feet to an iron pin located at the end of the 3rd line of Parcel No. 1;

4. Thence with said 3rd line reversed, North 9 degrees East 20.25 feet to place of beginning, containing 4061.97 square feet of land, more or less.

Parcel 3: The Grantors also grant and convey unto the Grantees all of their right, title and interest in and to the following described land:

Beginning at the planted stone at the beginning of the 1st line of Parcel No. 1 and running (1) Thence along said 1st line South 24 degrees West 453.75 feet to an iron pin in a hickory stump at the end of the aforementioned 1st line of Parcel 1; (2) Thence South 71 degrees 45 minutes West 14.8 feet to an iron pin; (3) Thence North 24 degrees East 460.16 feet to an iron pin; (4) Thence South 66 degrees East 12.2 feet to the place of beginning.

And we, the said Roy O. Reeder and Mae M. Reeder, his wife, do hereby covenant except as to Parcels No. 2 and 3 that we will warrant generally the property hereby conveyed, and that we will execute such other and further assurances thereof as may be requisite.

WITNESS our hands and seals the day and year first above written.

WITNESS:

Roy O. Reeder (SEAL)
Roy O. Reeder

J. Wesley Beavers
J. Wesley Beavers

Mae M. Reeder (SEAL)
Mae M. Reeder

THE STATE OF MARYLAND

COUNTY OF WASHINGTON

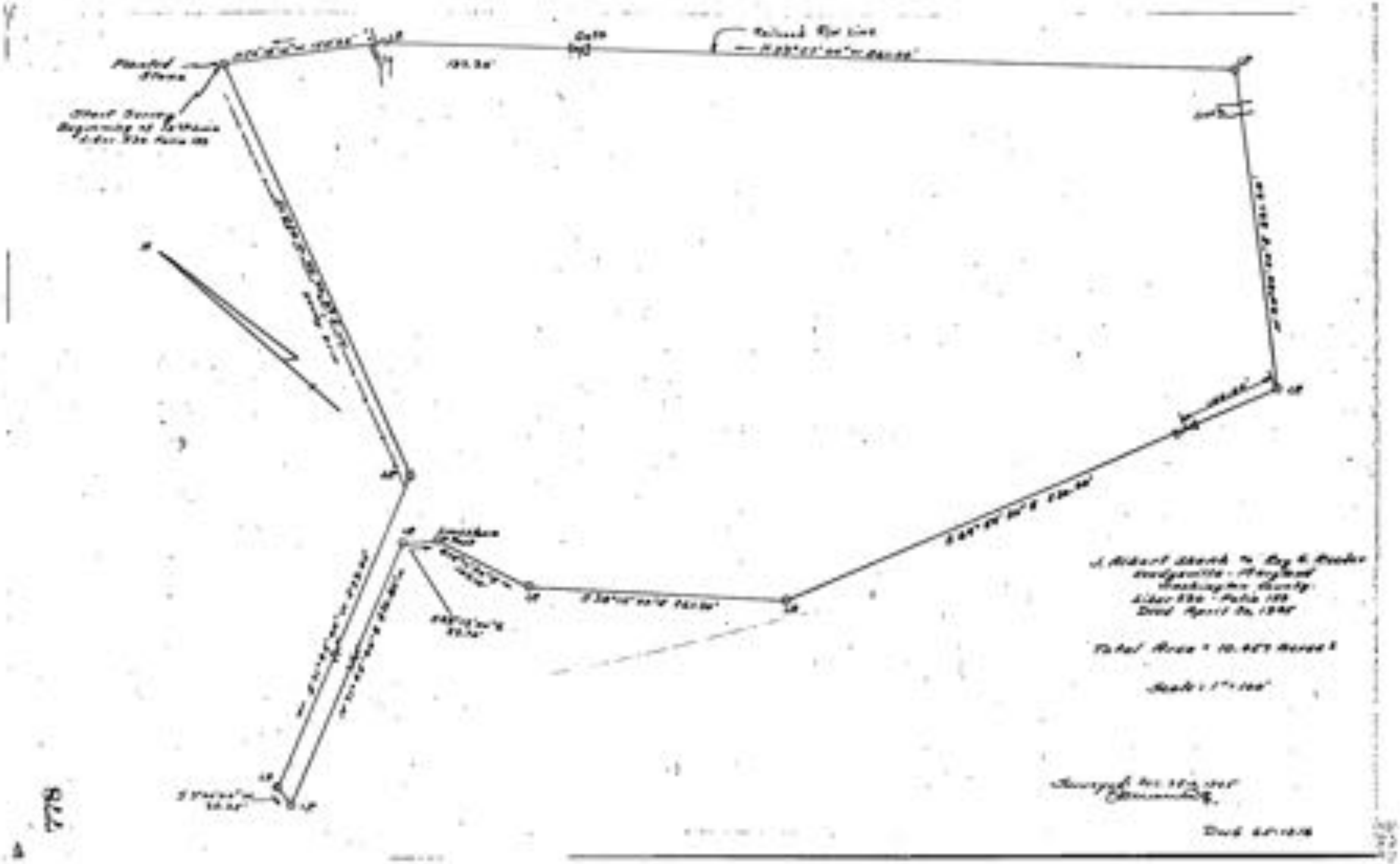
On this the 7 day of January, 1966, before me, Howell C. Happ, a Notary Public in and for Washington County, Maryland, personally appeared Roy O. Reeder and Mae M. Reeder, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and Official Seal.

NOTARY PUBLIC

Howell C Happ
Howell C. Happ - Notary Public

WASHINGTON COUNTY CIRCUIT COURT (Land Records) GMS 434, p. 0777, MSA_CE18_384. Date available 09/27/2005. Printed 07/08/2020.


Planted Stone
Start Survey
Beginning of [illegible]
Railroad R/w Line
Gate
Total Area = 10.4?? Acres
Scale: 1" = 100'

778

WASHINGTON COUNTY CIRCUIT COURT (Land Records) GMS 434, p. 0778, MSA_CE18_384. Date available 09/27/2005. Printed 07/08/2020.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

BENJAMIN ESTES *

Plaintiff

v. * Case No.: C-21-CV-20-430

JUSTIN HOLDER, *et al.*

Defendants *

ORDER

(Holder Objection – Clarification of January 30, 2023 Opinion)

Having read and considered Defendant Justin Holder's Objection requesting clarification of this court's January 30, 2023 opinion, it is this 14th day of March 2023, by the Circuit Court for Washington County, Maryland, hereby:

ORDERED, that Defendant Justin Holder's Objection requesting clarification of this court's January 30, 2023 opinion is denied.

Judge, Circuit Court for Washington County

cc: Counsel and parties of record

Entered: Clerk, Circuit Court for
Washington County, MD
March 14, 2023

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

BENJAMIN ESTES *

Plaintiff

v. * Case No.: C-21-CV-20-430

JUSTIN HOLDER, *et al.*

Defendants *

ORDER

(Plaintiff Estes' Request to File Motion to Strike Answer)

Having read and considered Plaintiff Estes' Request to File Motion to Strike Answer, it is this 14th day of March 2023, by the Circuit Court for Washington County, Maryland, hereby:

ORDERED, that Plaintiff Estes' Request to File Motion to Strike Answer is denied. The court recognizes Plaintiff's concerns about the Answer filed by Uncle Eddie's Brokedown Palace, LLC. However, this case has proceeded with the Answer as filed and without previous objection. Even if this court were to find that the Answer is deficient, the court's resolution would not be to strike the answer. At most, the identification of Mr. Holder as "organizer" as opposed to "member" in the Verification would have been more appropriate.

Judge, Circuit Court for Washington County

cc: Counsel and parties of record

Entered: Clerk, Circuit Court for
Washington County, MD
March 14, 2023

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

BENJAMIN ESTES *
Plaintiff
v. * Case No.: C-21-CV-20-430
JUSTIN HOLDER, *et al.*
Defendants *

ORDER

(Holder Objection – Failure to State/Join and Lack of Jurisdiction)

Having read and considered Defendant Justin Holder's Objection requesting the court find that Plaintiff Estes concedes a failure to state a claim, join a party, or a lack of jurisdiction, it is this 23rd day of March 2023, by the Circuit Court for Washington County, Maryland, hereby:

ORDERED, that Defendant Justin Holder's Objection is denied.

Judge, Circuit Court for Washington County

cc: Counsel and parties of record

Entered: Clerk, Circuit Court for
Washington County, MD
March 24, 2023

Benjamin N. Estes
22 Mount Hebron Road
Keedysville, MD 21756
(301) 465 0402

March 11, 2023

VIA MDEC and CC via MDEC to All Parties

The Honorable Andrew F. Wilkinson
Circuit Court for Washington County
24 Summit Avenue
Hagerstown, Maryland 21740

Re: *Benjamin Estes v. Justin Holder, et al.,* Case No. C-21-CV-20-000430

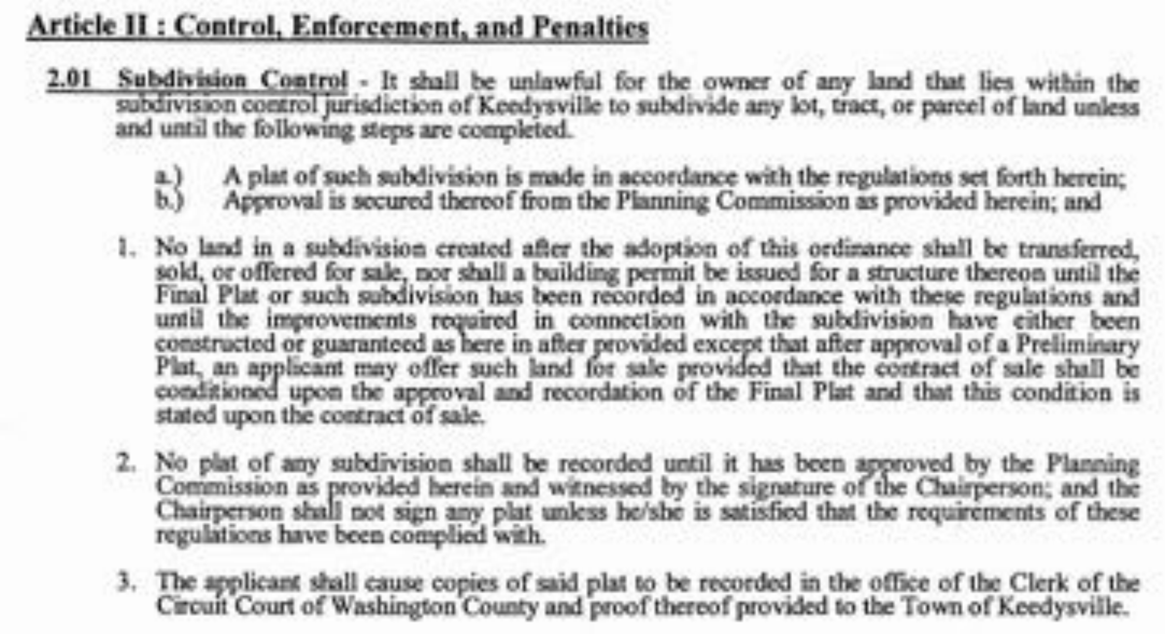
REQUEST FOR LEAVE TO FILE MOTION TO STRIKE /VOID the CONFIRMATORY DEED RECORDED AT BOOK 6468 PAGES 345-352 FROM THE LAND RECORDS OF WASHINGTON COUNTY

Dear Judge Wilkinson:

I write pursuant to the Court's September 21, 2021 Case Management Order to request leave to file a motion to strike Defendant Uncle Eddies' Confirmatory Deed from the recorded land records of Washington County, currently found at Book 6468 pages 345-352 (the "Deed"). Not only is the deed found to be inaccurate in its attempted grant/transfer of property per rulings already made by this Court in this current case, but the deed attempts to create an improper subdivision within the Town limits of Keedysville (the "Town"), in direct contravention of the Town's Subdivision Ordinance.

The Keedysville Subdivision Ordinance:

The Keedysville Subdivision Ordinance indicates that no land within the Town limits shall be subdivided and offered or negotiated for sale, sold, or ownership transferred except in accordance with the provisions of the ordinance. Additionally, the Keedysville Subdivision Ordinance makes it unlawful for any land within the town limits to be subdivided unless and until certain steps are complied with, including the recordation of a Final Plat in the land records for Washington County. The ordinance reads:



Article II : Control, Enforcement, and Penalties

2.01 Subdivision Control - It shall be unlawful for the owner of any land that lies within the subdivision control jurisdiction of Keedysville to subdivide any lot, tract, or parcel of land unless and until the following steps are completed.

a.) A plat of such subdivision is made in accordance with the regulations set forth herein;
b.) Approval is secured thereof from the Planning Commission as provided herein; and

1. No land in a subdivision created after the adoption of this ordinance shall be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon until the Final Plat or such subdivision has been recorded in accordance with these regulations and until the improvements required in connection with the subdivision have either been constructed or guaranteed as here in after provided except that after approval of a Preliminary Plat, an applicant may offer such land for sale provided that the contract of sale shall be conditioned upon the approval and recordation of the Final Plat and that this condition is stated upon the contract of sale.

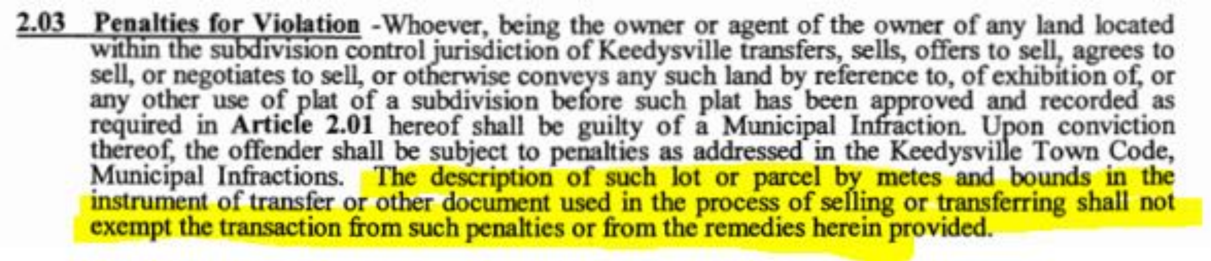
2. No plat of any subdivision shall be recorded until it has been approved by the Planning Commission as provided herein and witnessed by the signature of the Chairperson; and the Chairperson shall not sign any plat unless he/she is satisfied that the requirements of these regulations have been complied with.

3. The applicant shall cause copies of said plat to be recorded in the office of the Clerk of the Circuit Court of Washington County and proof thereof provided to the Town of Keedysville.

Benjamin N. Estes
22 Mount Hebron Road
Keedysville, MD 21756
(301) 465 0402

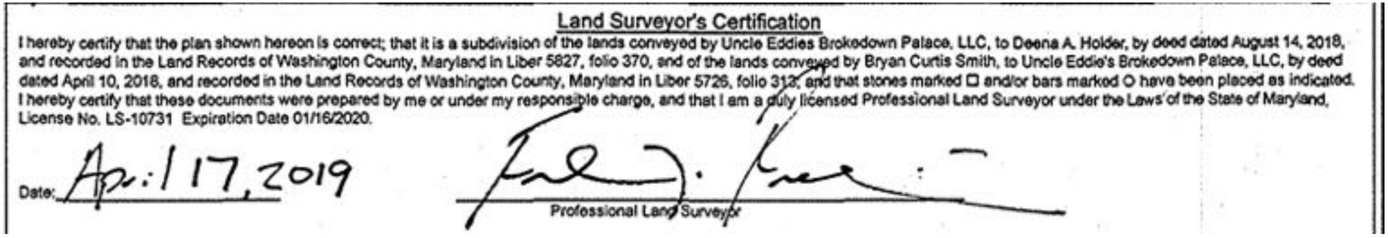
Argument:

Nowhere in the land records of Washington County does there exist an approved final plat of subdivision as mandated by Keedysville Subdivision Ordinance platting the Confirmatory Deed. The Confirmatory Deed clearly tries to subdivide land within the Town of Keedysville and transfer land not included in the original deed or its recorded plat within its original subdivision. Moreover, it should be noted that the attempts at subdivision of land are not saved by the proposed metes and bounds description contained within the Deed. The Keedysville Subdivision Ordinance specifically states as follows:



2.03 Penalties for Violation -Whoever, being the owner or agent of the owner of any land located within the subdivision control jurisdiction of Keedysville transfers, sells, offers to sell, agrees to sell, or negotiates to sell, or otherwise conveys any such land by reference to, of exhibition of, or any other use of plat of a subdivision before such plat has been approved and recorded as required in **Article 2.01** hereof shall be guilty of a Municipal Infraction. Upon conviction thereof, the offender shall be subject to penalties as addressed in the Keedysville Town Code, Municipal Infractions. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

For these reasons, and for reasons made eminently clear by the Court already regarding the titled interest in the land that is the subject of this litigation, the Court should strike and otherwise render void the aforementioned "Confirmatory Deed." The only recorded Plat with regard to the property owned by UEBDP, and any attempted subdivision of land within Keedysville, Plat 10955, draws entirely different Deeds, as indicated in the Surveyor' Certificate on the recorded plat 10955:



Land Surveyor's Certification

I hereby certify that the plan shown hereon is correct; that it is a subdivision of the lands conveyed by Uncle Eddies Brokedown Palace, LLC, to Deena A. Holder, by deed dated August 14, 2018, and recorded in the Land Records of Washington County, Maryland in Liber 5827, folio 370, and of the lands conveyed by Bryan Curtis Smith, to Uncle Eddie's Brokedown Palace, LLC, by deed dated April 10, 2018, and recorded in the Land Records of Washington County, Maryland in Liber 5726, folio 313, and that stones marked ☐ and/or bars marked ○ have been placed as indicated. I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed Professional Land Surveyor under the Laws of the State of Maryland, License No. LS-10731 Expiration Date 01/16/2020.

Date: April 17, 2019

Professional Land Surveyor

These matters can be expressed more fully in a formal motion, if necessary.

Respectfully Submitted,

/s/
Benjamin Estes
Plaintiff
Filed VIA MDEC and CC via MDEC to All Parties

Benjamin N. Estes
22 Mount Hebron Road
Keedysville, MD 21756
(301) 465 0402

March 11, 2023

VIA MDEC and CC via MDEC to All Parties

The Honorable Andrew F. Wilkinson
Circuit Court for Washington County
24 Summit Avenue
Hagerstown, Maryland 21740

Re: *Benjamin Estes v. Justin Holder, et al.,* Case No. C-21-CV-20-000430

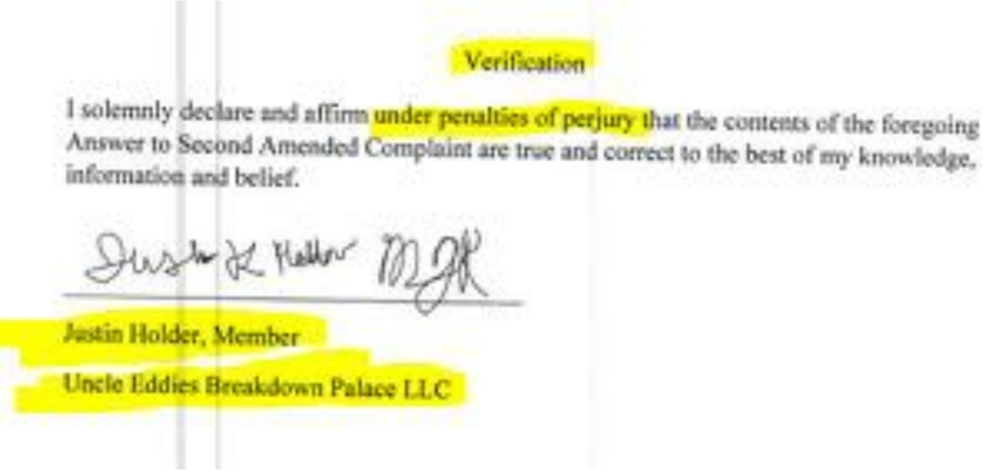
REQUEST FOR LEAVE TO FILE MOTION TO STRIKE or
FOR THE COURT TO STRIKE UNCLE EDDIES' ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT

Dear Judge Wilkinson:

I write pursuant to the Court's September 21, 2021 Case Management Order to request leave to file a motion to strike Defendant Uncle Eddies' Answer (the "Answer") to the Plaintiff's Second Amended Complaint or, alternatively, to have the Court strike, on the Court's own initiative, the inherently improper Answer. The "verified" Answer, made on behalf of a New Mexico Limited Liability Company, Uncle Eddies Brokedown Palace ("UEBDP"), is inherently fatally improper and must be stricken in its entirety.

The Improper Verified Answer:

The Answer was improperly "verified" for UEBDP, by Justin Holder, a co-Defendant in the action, with clearly competing legal interests, who was not a member of UEBDP, but signed as a member nonetheless, as follows (highlighted for emphasis):

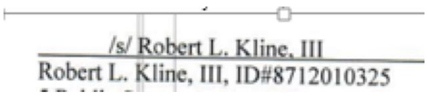


Verification

I solemnly declare and affirm under penalties of perjury that the contents of the foregoing Answer to Second Amended Complaint are true and correct to the best of my knowledge, information and belief.

Justin Holder, Member
Uncle Eddies Breakdown Palace LLC

Moreover, the Answer is also signed by attorney for UEBDP, Robert Kline, as shown:



/s/ Robert L. Kline, III
Robert L. Kline, III, ID#8712010325

Benjamin N. Estes
22 Mount Hebron Road
Keedysville, MD 21756
(301) 465 0402

Relevant Points of Law:

MD. Rule 2-322 (e) states that:

> "…on the court's own initiative at any time, the court may order any insufficient defense or any improper, immaterial, impertinent, or scandalous matter stricken from any pleading or may order any pleading that is late or otherwise not in compliance with these rules stricken in its entirety."

Maryland's Quiet Title law states the following regarding an answer to a quiet title complaint,

> **"(a) Generally.** An answer to a complaint under this Chapter shall be verified…"

Md. Rule 1-311 Signing of Pleadings and Other Papers, section (b) and (c) state:

> **(b) Effect of Signature.** The signature of an attorney on a pleading or paper constitutes a certification that the attorney has read the pleading or paper; that to the best of the attorney's knowledge, information, and belief there is good ground to support it; and that it is not interposed for improper purpose or delay.
>
> **(c) Sanctions.** If a pleading or paper is not signed as required (except inadvertent omission to sign, if promptly corrected) or is signed with intent to defeat the purpose of this Rule, it may be stricken and the action may proceed as though the pleading or paper had not been filed.

Argument: It should be noted, with emphasis, as the Court is well aware, that Mr. Holder and Mr. Kline have BOTH averred to this Court in a separate case, *Jeffrey Young v. Justin Holder*, that Mr. Holder, until the date of their averments, well after the verified Answer, has not been a member of UEBDP. The only known member of UEBDP, hitherto Mr. Holder's and Mr. Kline's averments, has been Mrs. Deena Holder, who, herself, has disclaimed any continuing membership interest and who did not sign the verified Answer. Additionally, Mr. Holder and Mr. Kline have indicated to the Court that at least to the time of their averments, well before their "verified" Answer, that UEBDP had no known members and had failed to register as a foreign LLC in Maryland.

The Court must strike the Answer as improper. Clearly, at the time of the verified Answer, both Mr. Holder and Mr. Kline knew or should have known that Justin Holder was not a member of UEBDP and never had been and misrepresented his role to the Court. Moreover, at no time after their individual averments to the Court regarding the structure of UEBDP have Mr. Holder or Mr. Kline sought to remedy their clearly misleading and improper statements in the verified Answer. How Mr. Kline can provide a verified answer for a corporation that has no members or how Mr. Holder can sign a verified answer as a member of a corporation he knows he is not a member, and which may have clearly competing legal interests is beyond comprehension and appears to be thoroughly improper.

These matters can be expressed more fully in a formal motion, if necessary. Or, alternatively, the Court should strike the verified Answer as improper on its own initiative.

Respectfully Submitted, /s/
/s/
Benjamin Estes, Plaintiff
CC via MDEC All Parties

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

BENJAMIN ESTES *

Plaintiff

v. * Case No.: C-21-CV-20-430

JUSTIN HOLDER, *et al.*

Defendants *

ORDER

(Estes Request to File Motion to Void Deed)

Having read and considered Plaintiff Estes' request to file a motion to void a deed, it is this 23rd day of March 2023, by the Circuit Court for Washington County, Maryland, hereby:

ORDERED, that Plaintiff Estes' request is granted. However, the parties should be on notice that the court may hold the Motion sub curia pending the final resolution of this case.

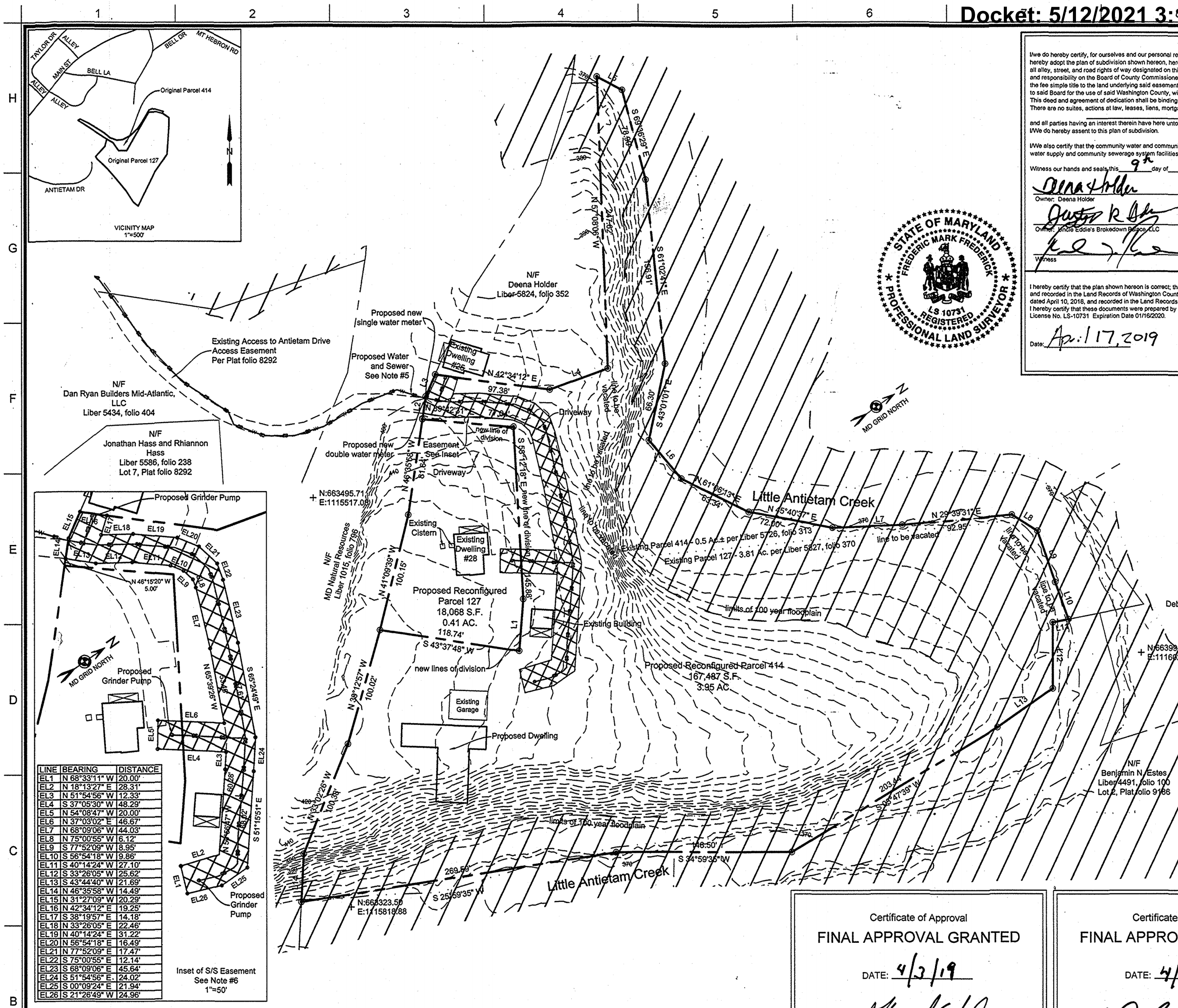
Judge, Circuit Court for Washington County

cc: Counsel and parties of record

Entered: Clerk, Circuit Court for
Washington County, MD
March 24, 2023

2037

0R12621M


VICINITY MAP
1"=500'
TAYLOR DR
MAIN ST
ALLEY
BELL LA
BELL DR
MT HEBRON RD
ANTIETAM DR
Original Parcel 414
Original Parcel 127
N
N/F
Deena Holder
Liber 5824, folio 352
Existing Access to Antietam Drive
Access Easement
Per Plat folio 8292
N/F
Dan Ryan Builders Mid-Atlantic, LLC
Liber 5434, folio 404
N/F
Jonathan Hass and Rhiannon Hass
Liber 5586, folio 238
Lot 7, Plat folio 8292
Proposed new single water meter
Proposed Water and Sewer See Note #5
Existing Dwelling #26
N 42°34'12" E
97.38'
N 89°42'31" E
77.94'
Driveway
new line of division
Proposed new double water meter
Easement See Inset
N 46°35'58" W
81.64'
S 58°12'18" E new line of division
145.88'
N:663495.71
E:1115517.08
N/F
MD Natural Resources
Liber 1015, folio 796
Existing Cistern
Existing Dwelling #28
Proposed Reconfigured Parcel 127
18,068 S.F.
0.41 AC.
118.74'
S 43°37'48" W
new lines of division
N 41°09'39" W
100.15'
N 39°12'57" W
100.02'
N 33°02'26" W
100.38'
Existing Building
Existing Garage
Proposed Dwelling
N:663323.50
E:1115818.88
S 25°59'35" W
269.59'
Little Antietam Creek
S 69°36'29" E
78.90'
N 57°08'06" W
247.67'
S 61°02'41" E
156.91'
S 43°01'01" E
66.30'
line to be vacated
N 61°08'13" E
63.34'
N 45°40'37" E
72.00'
N 29°39'31" E
92.95'
Existing Parcel 414 - 0.5 Ac.± per Liber 5726, folio 313
Existing Parcel 127 - 3.81 Ac. per Liber 5827, folio 370
limits of 100 year floodplain
Proposed Reconfigured Parcel 414
167,487 S.F.
3.95 AC.
S 03°47'39" W
203.44'
S 34°59'35" W
146.50'
MD GRID NORTH
L1
L2
L3
L4
L5
L6
L7
L8
L9
L10
L11
L12
L13
L14
N/F
Deborah Watkins and Robert Watkins
Liber 2023, folio 583
Lot 1, Plat folio 5317
N:663934.04
E:1116625.83
N/F
Benjamin N. Estes
Liber 4491, folio 100
Lot 2, Plat folio 9186
Proposed Grinder Pump
Proposed Grinder Pump
Proposed Grinder Pump
N 46°15'20" W
5.00'
N 65°39'26" W
S 65°24'49" E
S 51°15'51" E
EL1
EL2
EL3
EL4
EL5
EL6
EL7
EL8
EL9
EL10
EL11
EL12
EL13
EL14
EL15
EL16
EL17
EL18
EL19
EL20
EL21
EL22
EL23
EL24
EL25
EL26
A
B
C
D
E
F
G
H
1
2
3
4
5
6

LINE	BEARING	DISTANCE
EL1	N 68°33'11" W	20.00'
EL2	N 18°13'27" E	28.31'
EL3	N 51°54'56" W	12.33'
EL4	S 37°05'30" W	48.29'
EL5	N 54°08'47" W	20.00'
EL6	N 37°03'02" E	46.67'
EL7	N 68°09'06" W	44.03'
EL8	N 75°00'55" W	6.12'
EL9	S 77°52'09" W	8.95'
EL10	S 56°54'18" W	9.86'
EL11	S 40°14'24" W	27.10'
EL12	S 33°26'05" W	25.62'
EL13	S 43°44'40" W	21.69'
EL14	N 46°35'58" W	14.49'
EL15	N 31°27'09" W	20.29'
EL16	N 42°34'12" E	19.25'
EL17	S 38°19'57" E	14.18'
EL18	N 33°26'05" E	22.46'
EL19	N 40°14'24" E	31.22'
EL20	N 56°54'18" E	16.49'
EL21	N 77°52'09" E	17.47'
EL22	S 75°00'55" E	12.14'
EL23	S 68°09'06" E	45.64'
EL24	S 51°54'56" E.	24.02'
EL25	S 00°09'24" E	21.94'
EL26	S 21°26'49" W	24.96'

Inset of S/S Easement
See Note #6
1"=50'

Dedication for Individuals

I/we do hereby certify, for ourselves and our personal representatives, heirs and assigns, that I/we are the legal and true owner(s) of the property shown and described on this plat and that I/we hereby adopt the plan of subdivision shown hereon, hereby establish the minimum building restriction lines shown hereon, hereby dedicate to public use all utility and drainage easement areas and all alley, street, and road rights of way designated on this plat, hereby agree to keep open all spaces and recreation areas shown hereon and hereby agree that said dedication shall not impose and responsibility on the Board of County Commissioners of Washington County regarding the subjects of such dedications until legal acceptance thereof by said Board, and I/we hereby reserve the fee simple title to the land underlying said easements, rights of way, open spaces and recreation areas and with regard to said easements and rights of way, hereby agree to convey the same to said Board for the use of said Washington County, without consideration, upon the legal acceptance of said easements and/or rights of way by said Board.
This deed and agreement of dedication shall be binding upon my/our grantees, assigns, successors, heirs, and personal representatives.
There are no suites, actions at law, leases, liens, mortgages, trusts, easements, or rights of way affecting the property included on this plan of subdivision except the following:

____

and all parties having an interest therein have here unto affixed their signatures, indicating their assent to this plan of subdivision.
I/We do hereby assent to this plan of subdivision.

I/We also certify that the community water and community sewerage system proposed for this subdivision will be available to all lots offered for sale. I/We also certify that plans for the community water supply and community sewerage system facilities, including any necessary point of discharge, having been approved by the Department of Health and Mental Hygiene.

Witness our hands and seals this 9th day of April, 2019.

Deena Holder (Seal)
Owner: Deena Holder

Justin R. [illegible] Manager (Seal)
Owner: Uncle Eddie's Brokedown Palace, LLC

Witness

Land Surveyor's Certification

I hereby certify that the plan shown hereon is correct; that it is a subdivision of the lands conveyed by Uncle Eddies Brokedown Palace, LLC, to Deena A. Holder, by deed dated August 14, 2018, and recorded in the Land Records of Washington County, Maryland in Liber 5827, folio 370, and of the lands conveyed by Bryan Curtis Smith, to Uncle Eddie's Brokedown Palace, LLC, by deed dated April 10, 2018, and recorded in the Land Records of Washington County, Maryland in Liber 5726, folio 313, and that stones marked ☐ and/or bars marked ○ have been placed as indicated. I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed Professional Land Surveyor under the Laws of the State of Maryland, License No. LS-10731 Expiration Date 01/16/2020.

Date: April 17, 2019

Professional Land Surveyor

LS 10731

Notes:

1. Parcels are Zoned SR - Suburban Residential District - Low Density
   Setbacks:
   Front - 20'
   Side - 15'
   Rear - 25'
2. Bearings based on MD Grid North.
3. Setback for Accessory Buildings in Side and Rear Yards - 5'
4. Minimum Lot Area = 18,000 S.F.
5. Parcels to be served by public water and sewer from Town of Keedysville and Washington County. These design drawings are currently under review.
6. This Sewer Maintenance and Access Easement is for the benefit of the Town of Keedysville and Washington County.
7. A portion of Proposed Reconfigured Parcel 414 lies within the limits of the 100 year floodplain, per FEMA Flood Insurance Rate Map, Community Panel No. 24043C0377D, dated August 15, 2017, Flood Zones A and AE.
8. Soil Type is Cp

LINE	BEARING	DISTANCE
L1	S 50°32'19" E	43.99'
L2	N 46°35'58" W	19.49'
L3	N 31°27'09" W	20.29'
L4	N 14°46'18" E	52.51'
L5	N 62°49'04" E	24.13'
L6	N 84°38'24" E	42.54'
L7	N 32°55'12" E	59.15'
L8	N 67°20'38" E	25.51'
L9	S 74°06'53" E	45.72'
L10	S 74°28'13" E	33.40'
L11	S 23°46'58" W	13.52'
L12	S 55°03'22" E	55.83'
L13	S 00°18'05" E	57.27'
L14	N 52°06'10" W	40.88'

Certificate of Approval
FINAL APPROVAL GRANTED
DATE: 4/3/19
By:
The Town of Keedysville Mayor and Council

Certificate of Approval
FINAL APPROVAL GRANTED
DATE: 4/8/19
By: J. D. Randall Burns
The Town of Keedysville Planning Commission

PLAT NO 10955
DATE APR 18 2019
WASHINGTON COUNTY

TAX MAP 73-19-127/414 DISTRICT 19	
DRAWING NUMBER 01 OF 01	
DRAWN BY: LEJ	DATE: 2.25.19
CHECKED BY:	DATE:
SCALE: 1" = 60'	

FREDERICK SEIBERT & ASSOCIATES, INC. ©2019
EST. 1941
CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 791-3650 (301) 416-7478 (717) 597-1007 FAX (301) 739-4956

JOB NUMBER: 7412

Parcel Reconfiguration
of
Parcels 127 and 414
for
Deena Holder and Uncle Eddie's Brokedown Palace, LLC
situate at the end of Antietam Drive, Keedysville
WASHINGTON COUNTY, MARYLAND

GRAPHIC SCALE
60 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

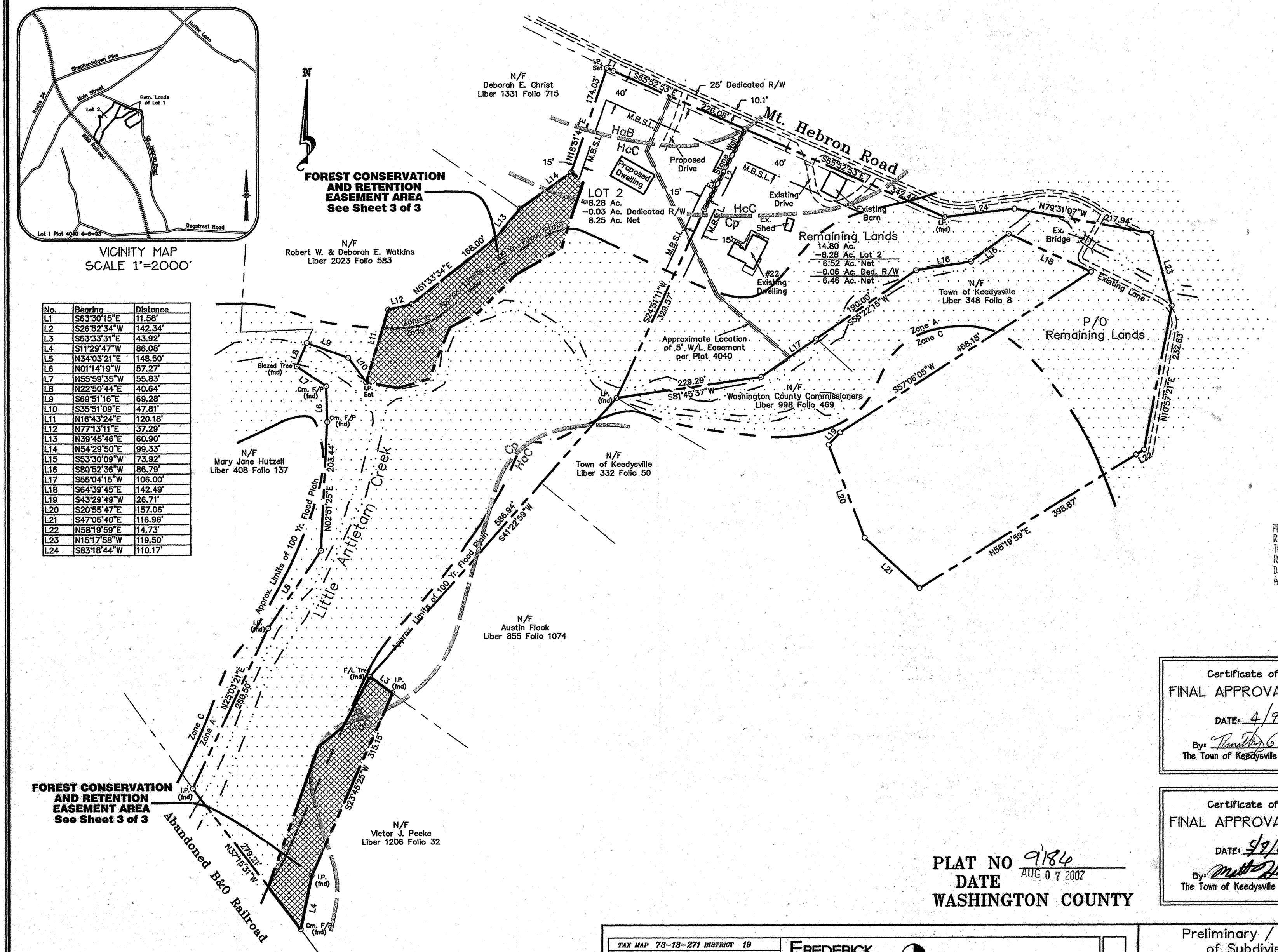
Owner:
Deena Holder/Uncle Eddie's Brokedown Palace
PO Box 420
Sharpsburg MD 21782

P232746

MSA C2167-7842

Exhibit 4

Maryland State Archives
1 2 3 4 5 6


VICINITY MAP
SCALE 1"=2000'
Huffer Lane
Shepherdstown Pike
Route 34
Main Street
Rem. Lands of Lot 1
Lot 2
B&O Railroad
Mt. Hebron Road
Dogstreet Road
Lot 1 Plat 4040 4-6-93
N
FOREST CONSERVATION AND RETENTION EASEMENT AREA See Sheet 3 of 3
N/F Deborah E. Christ Liber 1331 Folio 715
N/F Robert W. & Deborah E. Watkins Liber 2023 Folio 583
N/F Mary Jane Hutzell Liber 408 Folio 137
N/F Town of Keedysville Liber 332 Folio 50
N/F Austin Flook Liber 855 Folio 1074
N/F Victor J. Peeke Liber 1206 Folio 32
N/F Washington County Commissioners Liber 998 Folio 469
N/F Town of Keedysville Liber 348 Folio 8
P/O Remaining Lands
25' Dedicated R/W
10.1'
Mt. Hebron Road
S65°52'53"E
226.08'
174.03'
N18°51'4"E
40'
M.B.S.L.
HaB
HcC
Proposed Dwelling
Proposed Drive
Stone Wall
15'
LOT 2
8.28 Ac.
-0.03 Ac. Dedicated R/W
8.25 Ac. Net
Existing Drive
Existing Barn
Ex. Shed
Cp
#22 Existing Dwelling
Remaining Lands
14.80 Ac.
-8.28 Ac. Lot 2
6.52 Ac. Net
-0.06 Ac. Ded. R/W
6.46 Ac. Net
S24°51'11"W
328.57'
Approximate Location of 5' W/L Easement per Plat 4040
229.29'
S81°45'37"W
I.P. (fnd)
I.P. Set
180.00'
S55°22'15"W
N79°31'07"W
217.94'
Ex. Bridge
Existing Lane
Zone A
Zone C
468.15'
S57°06'05"W
N10°57'21"E
232.83'
398.87'
N58°19'59"E
168.00'
N51°33'34"E
Zone C
Zone A
Blazed Tree (fnd)
Crn. F/P (fnd)
203.44'
N02°51'25"E
Approx. Limits of 100 Yr. Flood Plain
Little Antietam Creek
586.94'
S41°22'59"W
F/L Tree (fnd)
315.15'
S23°45'25"W
N25°03'21"E
280.50'
279.21'
N37°15'31"W
Abandoned B&O Railroad
L1 L2 L3 L4 L5 L6 L7 L8 L9 L10 L11 L12 L13 L14 L15 L16 L17 L18 L19 L20 L21 L22 L23 L24
GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

No.	Bearing	Distance
L1	S63°30'15"E	11.58'
L2	S26°52'34"W	142.34'
L3	S53°33'31"E	43.92'
L4	S11°29'47"W	86.08'
L5	N34°03'21"E	148.50'
L6	N01°14'19"W	57.27'
L7	N55°59'35"W	55.83'
L8	N22°50'44"E	40.64'
L9	S69°51'16"E	69.28'
L10	S35°51'09"E	47.81'
L11	N16°43'24"E	120.18'
L12	N77°13'11"E	37.29'
L13	N39°45'46"E	60.90'
L14	N54°29'50"E	99.33'
L15	S53°30'09"W	73.92'
L16	S80°52'36"W	86.79'
L17	S55°04'15"W	106.00'
L18	S64°39'45"E	142.49'
L19	S43°29'49"W	26.71'
L20	S20°55'47"E	157.06'
L21	S47°05'40"E	116.96'
L22	N58°19'59"E	14.73'
L23	N15°17'58"W	119.50'
L24	S83°18'44"W	110.17'

PLAT FEE-A 2.50
RECORDING FEE 2.50
TOTAL 5.00
Res# WA01 Rcpt # 51140
DJW MAH Blk # 642
Aug 07, 2007 01:37 pm

Certificate of Approval
FINAL APPROVAL GRANTED
DATE: 4/9/07
By: Timothy G Roberts
The Town of Keedysville Planning Commission

Certificate of Approval
FINAL APPROVAL GRANTED
DATE: 5/9/07
By: Matt Hall (Mayor)
The Town of Keedysville Mayor aand Council

PLAT NO 9184
DATE AUG 0 7 2007
WASHINGTON COUNTY

Owners:
M. Yvonne & Maxwell B. Hope, II
22 Mt. Hebron Road
Keedysville, MD 21756

TAX MAP 73-13-271 DISTRICT 19	
DRAWING NUMBER 1 OF 3	
DRAWN BY: JLA	DATE: 9-27-06
CHECKED BY:	DATE:
SCALE: 1" = 100'	

FREDERICK SEIBERT & ASSOCIATES, INC. ©2006
EST. 1941
CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 791-3650 (301) 416-7478 (717) 597-1007 FAX (301) 739-4956

JOB NUMBER: 1967.2

Preliminary / Final Plat
of Subdivision of
Lot 2
for
M. Yvonne &
Maxwell B. Hope, II
situate along the southern side of
Mt. Hebron Road
Town of Keedysville
WASHINGTON COUNTY, MARYLAND

P141808
MSA S1255-2693

Exhibit 2

Maryland State Archives

J:\ACAD\DRAWINGS\1967\1967PLAT.DWG, 4/6/2007 5:44:01 PM, Oce_TDS600.Fredrick_Seibert.pc3

WASHINGTON COUNTY CIRCUIT COURT (Subdivision Plats, WA) Plat 9186-9188, MSA_S1255_7693. Date available 2007/08/07. Printed 04/09/2021.

Dedication for Individuals

I/we do hereby certify, for ourselves and our personal representatives, heirs and assigns, that I/we are the legal and true owner(s) of the property shown and described on this plat and that I/we hereby adopt the plan of subdivision shown hereon, hereby establish the minimum building restriction lines shown hereon, hereby dedicate to public use all utility and drainage easement areas and all alley, street, and road rights of way designated on this plat, hereby agree to keep open all spaces and recreation areas shown hereon and hereby agree that said dedication shall not impose any responsibility on the Board of County Commissioners of Washington County regarding the subjects of such dedications until legal acceptance thereof by said Board, and I/we hereby reserve the fee simple title to the land underlying said easements, rights of way, open spaces and recreation areas and with regard to said easements and rights of way, hereby agree to convey the same to said Board for the use of said Washington County, without consideration, upon the legal acceptance of said easements and/or rights of way by said Board.

This deed and agreement of dedication shall be binding upon my/our grantees, assigns, successors, heirs, and personal representatives.

There are no suits, actions at law, leases, liens, mortgages, trusts, easements, or rights of way affecting the property included in this plan of subdivision except the following: BB&T Mortgage

and all parties having an interest therein have hereunto affixed their signatures indicating their assent to this plan of subdivision.

I/We do hereby assent to this plan of subdivision.

Witness our hands and seals this 19th day of Oct 2006.

Maxwell B. Hope II (Seal)
Maxwell B. Hope, II

M. Yvonne Hope (Seal)
M. Yvonne Hope

Jennifer Arduson
Witness

Certificate of Approval of Community Water System and Sewerage

I hereby certify that the use of the community water and / or community sewage system for this subdivision is in conformance with the County Water and Sewerage Plan.

Date: ____________

____
County Health Officer

Land Surveyor's Certification

I hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the lands conveyed by Richard M. Jolles to Maxwell B. Hope, II and M. Yvonne Hope by deed dated July 15, 1993 and recorded in the Land Records of Washington County, Maryland in Liber No. 1108, Folio 582 and that stones marked ☐ and/or bars marked ○ have been placed as indicated.

Date: Apr 15, 2007

____
Professional Land Surveyor

FREDERIC MARK FREDERICK
LS 10731

General Notes

1. These lots are to be served by public water and public sewer.
2. There is a 10 ft. wide drainage and utilities easement along all front lot lines and an 8 ft. wide drainage and utilities easement along all side and rear lot lines hereby reserved unless otherwise shown hereon.
3. Bearings based on deed North.
4. Soil types are as shown hereon.
5. Minimum Building Setbacks: front yard-40'; side yard-15'; rear yard-50'.
6. Total upstream watershed affecting this subdivision: is less than 400 Acres
7. Approximate limits of the 100 year flood plain shown hereon are per FEMA Flood Insurance Rate Map, Community Panel No. 240075 0001B dated January 2, 1980, Flood Zone A. Construction within this area requires a Maryland Water Resources Administration permit, compliance with the Washington County Flood Management Ordinance, and a detailed wetland survey due to the possibility that non-tidal wetlands may be present.
8. There are no steep slopes, other related buffers, or habitat of threatened or endangered species identified by the U.S. Fish and Wildlife Service per 50 CFR 17 as required to be shown by Sections 306 and 314 of the Washington County Subdivision Ordinance and Section 4.21 (C+D) of the Washington County Zoning Ordinance. This subdivision is not within 1000' of the Appalachian Trail.

PLAT FEE-A	2.50
RECORDING FEE	2.50
TOTAL	5.00
Reg# WA01	Rcpt # 51140
DJW MAW	Blk # 643
Aug 07, 2007	01:37 pm

PLAT NO 9187
DATE AUG 0 7 2007
WASHINGTON COUNTY

Owners:
M. Yvonne & Maxwell B. Hope, II
22 Mt. Hebron Road
Keedysville, MD 21756

TAX MAP 73-13-271 DISTRICT 19	
DRAWING NUMBER 2 OF 3	
DRAWN BY: JLA	DATE: 9-27-06
CHECKED BY:	DATE:
SCALE: NTS	

FREDERICK
SEIBERT &
ASSOCIATES, INC. ©2006

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 791-3650 (301) 416-7478 (717) 597-1007 FAX (301) 739-4956

JOB NUMBER: 1967.2

Preliminary / Final Plat
of Subdivision of
Lot 2
for
M. Yvonne &
Maxwell B. Hope, II
situate along the southern side of
Mt. Hebron Road
Town of Keedysville
WASHINGTON COUNTY, MARYLAND

P141809 MSA SSU 1255-7693-2

D:\DRAWINGS\1967\1967PLAT.DWG, 4/5/2007 5:14:09 PM, Oce_TDS600.Frederick_Seibert.pc3

WASHINGTON COUNTY CIRCUIT COURT (Subdivision Plats, WA) Plat 9186-9188, MSA_S1255_7693. Date available 2007/08/07. Printed 04/09/2021.

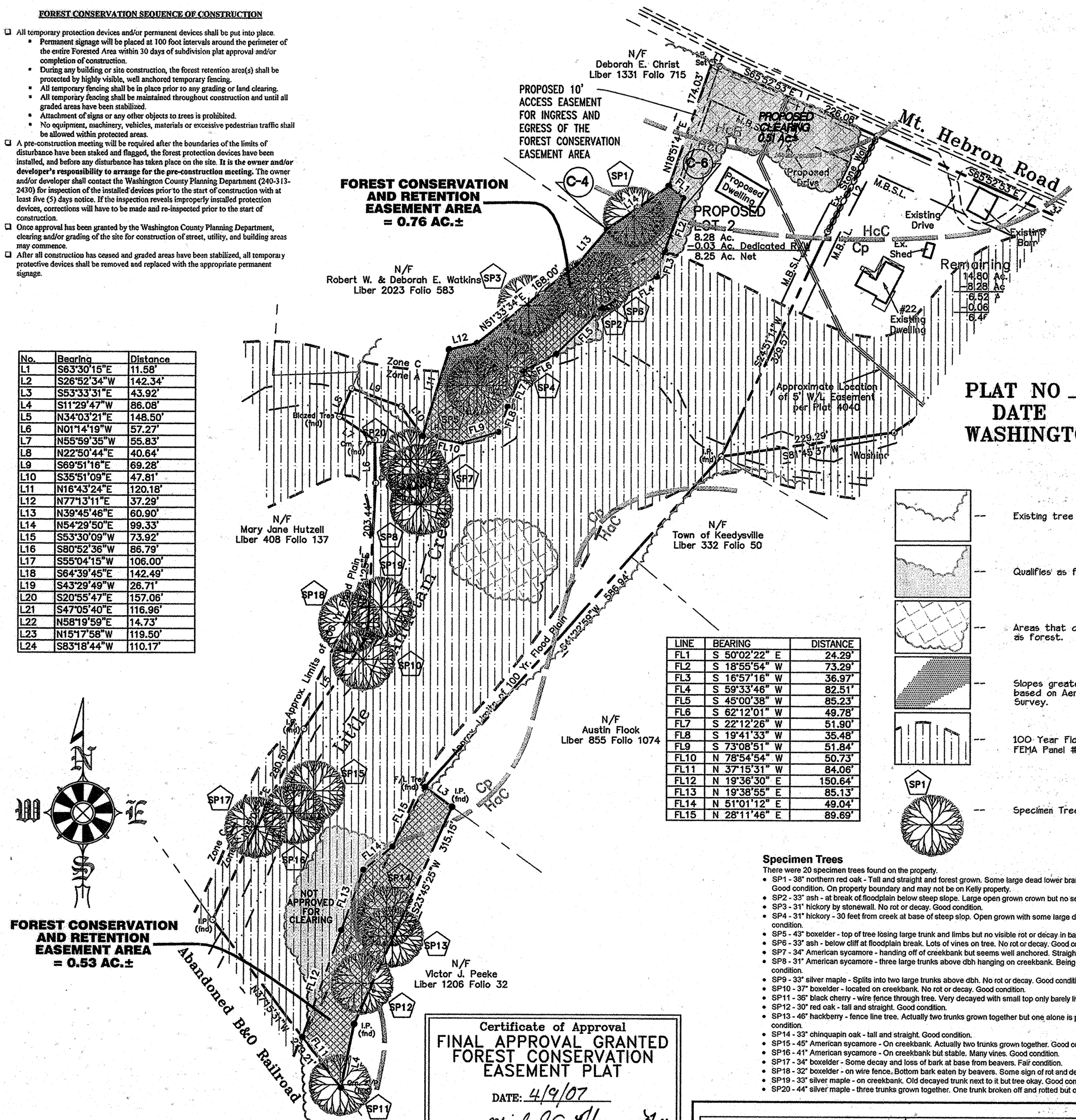
WASHINGTON COUNTY CIRCUIT COURT (Subdivision Plats, WA) Plat 9186-9188, MSA_S1255_7693. Date available 2007/08/07. Printed 04/09/2021.

Maryland State Archives

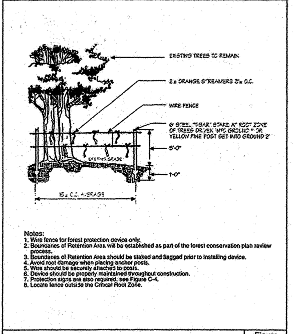
FOREST CONSERVATION SEQUENCE OF CONSTRUCTION

- ☐ All temporary protection devices and/or permanent devices shall be put into place.
  - Permanent signage will be placed at 100 foot intervals around the perimeter of the entire Forested Area within 30 days of subdivision plat approval and/or completion of construction.
  - During any building or site construction, the forest retention area(s) shall be protected by highly visible, well anchored temporary fencing.
  - All temporary fencing shall be in place prior to any grading or land clearing.
  - All temporary fencing shall be maintained throughout construction and until all graded areas have been stabilized.
  - Attachment of signs or any other objects to trees is prohibited.
  - No equipment, machinery, vehicles, materials or excessive pedestrian traffic shall be allowed within protected areas.
- ☐ A pre-construction meeting will be required after the boundaries of the limits of disturbance have been staked and flagged, the forest protection devices have been installed, and before any disturbance has taken place on the site. **It is the owner and/or developer's responsibility to arrange for the pre-construction meeting.** The owner and/or developer shall contact the Washington County Planning Department (240-313-2430) for inspection of the installed devices prior to the start of construction with at least five (5) days notice. If the inspection reveals improperly installed protection devices, corrections will have to be made and re-inspected prior to the start of construction.
- ☐ Once approval has been granted by the Washington County Planning Department, clearing and/or grading of the site for construction of street, utility, and building areas may commence.
- ☐ After all construction has ceased and graded areas have been stabilized, all temporary protective devices shall be removed and replaced with the appropriate permanent signage.

No.	Bearing	Distance
L1	S63°30'15"E	11.58'
L2	S26°52'34"W	142.34'
L3	S53°33'31"E	43.92'
L4	S11°29'47"W	86.08'
L5	N34°03'21"E	148.50'
L6	N01°14'19"W	57.27'
L7	N55°59'35"W	55.83'
L8	N22°50'44"E	40.64'
L9	S69°51'16"E	69.28'
L10	S35°51'09"E	47.81'
L11	N16°43'24"E	120.18'
L12	N77°13'11"E	37.29'
L13	N39°45'46"E	60.90'
L14	N54°29'50"E	99.33'
L15	S53°30'09"W	73.92'
L16	S80°52'36"W	86.79'
L17	S55°04'15"W	106.00'
L18	S64°39'45"E	142.49'
L19	S43°29'49"W	26.71'
L20	S20°55'47"E	157.06'
L21	S47°05'40"E	116.96'
L22	N58°19'59"E	14.73'
L23	N15°17'58"W	119.50'
L24	S83°18'44"W	110.17'

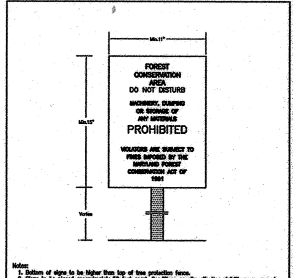

N/F
Deborah E. Christ
Liber 1331 Folio 715
PROPOSED 10' ACCESS EASEMENT FOR INGRESS AND EGRESS OF THE FOREST CONSERVATION EASEMENT AREA
FOREST CONSERVATION AND RETENTION EASEMENT AREA = 0.76 AC.±
Mt. Hebron Road
S65°52'53"E
226.08'
174.03'
N18°51'
PROPOSED CLEARING 0.51 AC.
Proposed Dwelling
Proposed Drive
PROPOSED LOT 2
8.28 Ac.
-0.03 Ac. Dedicated R/W
8.25 Ac. Net
M.B.S.L.
HcB
HcC
Cp
Existing Drive
Ex. Shed
Existing Barn
Remaining
14.80 Ac.
-8.28 Ac.
6.52 Ac.
-0.06
6.46
#22 Existing Dwelling
Approximate Location of 5' W/L Easement per Plat 4040
S24°51'11"W
329.57'
229.29'
S81°45'37"W
Washing
N/F
Robert W. & Deborah E. Watkins
Liber 2023 Folio 583
N51°33'34"E 168.00'
Zone C
Zone A
Blazed Tree (fnd)
N/F
Mary Jane Hutzell
Liber 408 Folio 137
N/F
Town of Keedysville
Liber 332 Folio 50
N/F
Austin Flook
Liber 855 Folio 1074
Little Antietam Creek
Approx. Limits of 100 Yr. Flood Plain
S41°22'52"W 586.94'
S23°45'25"W 315.15'
I.P. (fnd)
F/L Tree (fnd)
NOT APPROVED FOR CLEARING
N37°15'31"W
279.21'
280.50'
Abandoned B&O Railroad
N/F
Victor J. Peeke
Liber 1206 Folio 32
FOREST CONSERVATION AND RETENTION EASEMENT AREA = 0.53 AC.±
SP1 SP2 SP3 SP4 SP5 SP6 SP7 SP8 SP9 SP10 SP11 SP12 SP13 SP14 SP15 SP16 SP17 SP18 SP19 SP20
FL1 FL2 FL3 FL4 FL5 FL6 FL7 FL8 FL9 FL10 FL11 FL12 FL13 FL14 FL15
L1 L2 L3 L4 L5 L6 L7 L8 L9 L10 L11 L12 L13 L14 L15 L16 L17 L18 L19 L20 L21 L22 L23 L24
C-4
C-6
N
E
S
W

LINE	BEARING	DISTANCE
FL1	S 50°02'22" E	24.29'
FL2	S 18°55'54" W	73.29'
FL3	S 16°57'16" W	36.97'
FL4	S 59°33'46" W	82.51'
FL5	S 45°00'38" W	85.23'
FL6	S 62°12'01" W	49.78'
FL7	S 22°12'26" W	51.90'
FL8	S 19°41'33" W	35.48'
FL9	S 73°08'51" W	51.84'
FL10	N 78°54'54" W	50.73'
FL11	N 37°15'31" W	84.06'
FL12	N 19°36'30" E	150.64'
FL13	N 19°38'55" E	85.13'
FL14	N 51°01'12" E	49.04'
FL15	N 28°11'46" E	89.69'


EXISTING TREES TO REMAIN
2± ORANGE STREAMERS 3'± O.C.
WIRE FENCE
6' STEEL "T-BAR" STAKE AT ROOT ZONE OF TREES DRIVEN INTO GROUND 1' OR YELLOW PINE POST SET INTO GROUND 2'
EXISTING GRADE
5'-0"
1'-0"
15'± C.C. AVERAGE

Notes:
1. Wire fence for forest protection device only.
2. Boundaries of Retention Area will be established as part of the forest conservation plan review process.
3. Boundaries of Retention Area should be staked and flagged prior to installing device.
4. Avoid root damage when placing anchor posts.
5. Wire should be securely attached to posts.
6. Device should be properly maintained throughout construction.
7. Protection signs are also required. see Figure C-4.
8. Locate fence outside the Critical Root Zone.

Wire Tree Protection Fence — Figure C-6


Min.11"
Min.15"
Varies
FOREST CONSERVATION AREA
DO NOT DISTURB
MACHINERY, DUMPING OR STORAGE OF ANY MATERIALS
PROHIBITED
VIOLATORS ARE SUBJECT TO FINES IMPOSED BY THE MARYLAND FOREST CONSERVATION ACT OF 1991

Notes:
1. Bottom of signs to be higher than top of tree protection fence.
2. Signs to be placed approximately 50 feet apart. Conditions on site affecting visibility may warrant placing signs closer or farther apart.
2. Attachment of signs to trees is prohibited.

ALL PERMANENT SIGNAGE TO BE PUT IN PLACE PRIOR TO FINAL INSPECTION.

Source: Adapted from Forest Conservation Manual, 1991

Construction Signs and Permanent Signs — Figure C-4

GENERAL NOTES:

Forested areas shown hereon ▒ have been reviewed and approved by the Washington County Planning Commission and are in compliance with the requirements of the Washington County Forest Conservation Ordinance. Clearing of forested areas have not been approved. Those areas noted as "Forest Retention Areas" are not to be disturbed by a regulated activity as defined in the Forest Conservation Ordinance until that regulated activity and its associated forest disturbance is reviewed and approved by the Washington County Planning Commission according to the requirements and standards of the Forest Conservation Ordinance in effect at the time.

Property owners are advised that there are penalties and fines associated with violation of these restrictions. Activities of a recreational or passive nature, as long as there is no forest disturbance, removal of the existing forest, or inhibition of its natural growth processes are permitted in these forested areas.

This note or reference to its existence on this plat shall be included in each and every deed of conveyance for any lot shown on this plat.

The Retention Area shown ▩ on this plat is to be retained by the respective property owners in a natural forested condition, pursuant to the Washington County Forest Conservation Ordinance of 1993. Furthermore, the use of the Retention Area shall be limited to forest conservation practices and recreation activities which are consistent with the preservation of the Retention Area as natural forest land, as stipulated by the same Ordinance.

PLAT NO 9188
DATE AUG 0 7 2007
WASHINGTON COUNTY

- Existing tree line.
- ▒ -- Qualifies as forest.
- ▩ -- Areas that do not qualify as forest.
- ▨ -- Slopes greater than 25% based on Aeria and Feild Survey.
- ▥ -- 100 Year Flood Plain per FEMA Panel #240075 0001B.
- SP1 -- Specimen Tree.

FOREST CONSERVATION WORKSHEET
Version 2.2

NET TRACT AREA:
- A. *Total Tract Area* — A = 8.28 Ac.
- B. *Deductions* (Critical Areas, area restricted by local ordinance or program) — B = 6.22 Ac.
- C. *Net Tract Area* Net Tract Area = Total Tract Area (A) − Deductions (B) — C = 2.06 Ac.

LAND USE CATEGORY: AG
- D. *Afforestation Threshold* (Net Tract Area (C) x 20%) — D = 0.41 Ac.
- E. *Conservation Threshold* (Net Tract Area (C) x 50%) — E = 1.03 Ac.

EXISTING FOREST COVER:
- F. *Existing Forest Cover within the Net Tract Area* — F = 1.37 Ac.
- G. *Area of Forest Above Conservation Threshold*
  If the Existing Forest Cover (F) is greater than the Conservation Threshold (E), then G = F − E; Otherwise G = 0. — G = 0.34 Ac.

BREAK EVEN POINT:
- H. *Breakeven Point* (Amount of forest that must be retained so that no mitigation is required.)
  (1) If the Area of Forest Above the Conservation Threshold (G) is greater than 0, then H = (0.2 x the Area of Forest Above Conservation Threshold (G) + the Conservation Threshold (E);
  (2) If the Area of Forest Above the Conservation Threshold (G) is equal to 0, then H = Existing Forest Cover (F). — H = 1.10 Ac.
- I. *Forest Clearing Permitted without Mitigation*
  I = Existing Forest Cover (F) − Breakeven Point (H) — I = 0.27 Ac.

PROPOSED FOREST CLEARING:
- J. *Total Area of Forest to be Cleared* — J = 0.51 Ac.
- K. *Total Area of Forest to be Retained*
  K = Existing Forest Cover (F) − Forest to be Cleared (J) — K = 0.86 Ac.

PLANTING REQUIREMENTS:
If the Total Area of Forest to be Cleared (K) is at or above the Breakeven Point (H), no planting is required and no further calculations are necessary (L=0, M=0, N=0, P=0); Otherwise, calculate the planting requirement(s) as follows:
- L. *Reforestation for Clearing Above the Conservation Threshold* — L = 0.09 Ac.
  (1) If the Total Area of the Forest to be Retained (K) is greater than the Conservation Threshold (E), then L= the Area of Forest to be Cleared (J) x 0.25;
  (2) If the Forest to be Retained (K) is less than or equal to the Conservation Threshold (E), then L = Area of Forest Above Conservation Threshold (G) x 0.25
- M. *Reforestation for Clearing Below the Conservation Threshold*
  (1) If Existing Forest Cover (F) is greater than the Conservation Threshold (E) and the Forest to be Retained (K) is less than or equal to the Conservation Threshold (E), then M = 2.0 x (Conservation Threshold (E) − Forest to be Retained (K)) — M = 0.43 Ac.
  (2) If the Forest to be Retained (K) is less than or equal to the Conservation Threshold (E), then L = Area of Forest Above Conservation Threshold (G) x 0.25
- N. *Credit for Retention Above the Conservation Threshold*
  If the area of Forest to be Retained (K) is greater than the Conservation Threshold (E), Then N = K − E — N = 0
- P. *Total Reforestation Required* P = L + M −N — P = 0.43 Ac.
- Q. *Total Afforestation Required*
  If Existing Forest Cover (F) is less than the Afforestation Threshold (D), then Q = Afforestation Threshold (D) − Existing Forest Cover (F) — Q = 0
- R. *Total Planting Requirement* R = P + Q — R = 0.43 aC.

Note: Use 0 for all negative numbers that result from the calculations.

18730.8 Sq. Ft.

Specimen Trees

There were 20 specimen trees found on the property.
- SP1 - 38" northern red oak - Tall and straight and forest grown. Some large dead lower branches from shading but no rot or decay. Good condition. On property boundary and may not be on Kelly property.
- SP2 - 33" ash - at break of floodplain below steep slope. Large open grown crown but no serious rot or decay. Good condition.
- SP3 - 31" hickory by stonewall. No rot or decay. Good condition.
- SP4 - 31" hickory - 30 feet from creek at base of steep slop. Open grown with some large dead branches but no rot or decay. Good condition.
- SP5 - 43" boxelder - top of tree losing large trunk and limbs but no visible rot or decay in base. Top is dying. Poor condition.
- SP6 - 33" ash - below cliff at floodplain break. Lots of vines on tree. No rot or decay. Good condition.
- SP7 - 34" American sycamore - handing off of creekbank but seems well anchored. Straight with no rot or decay. Good condition.
- SP8 - 31" American sycamore - three large trunks above dbh hanging on creekbank. Being eroded but seems stable for now. Good condition.
- SP9 - 33" silver maple - Splits into two large trunks above dbh. No rot or decay. Good condition.
- SP10 - 37" boxelder - located on creekbank. No rot or decay. Good condition.
- SP11 - 36" black cherry - wire fence through tree. Very decayed with small top only barely living. Very poor condition.
- SP12 - 30" red oak - tall and straight. Good condition.
- SP13 - 46" hackberry - fence line tree. Actually two trunks grown together but one alone is probably 30" dbh. Lots of vines. Good condition.
- SP14 - 33" chinquapin oak - tall and straight. Good condition.
- SP15 - 45" American sycamore - On creekbank. Actually two trunks grown together. Good condition.
- SP16 - 41" American sycamore - On creekbank but stable. Many vines. Good condition.
- SP17 - 34" boxelder - Some decay and loss of bark at base from beavers. Fair condition.
- SP18 - 32" boxelder - on wire fence. Bottom bark eaten by beavers. Some sign of rot and decay. Fair condition.
- SP19 - 33" silver maple - on creekbank. Old decayed trunk next to it but tree okay. Good condition.
- SP20 - 44" silver maple - three trunks grown together. One trunk broken off and rotted but other two seem okay. Fair condition.

GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

PLAT FEE-A 2.50
RECORDING FEE 2.50
TOTAL 5.00
Res# WA01 Rcpt # 51140
DJW MAW Blk # 644
Aug 07, 2007 01:37 pm

Certificate of Approval
FINAL APPROVAL GRANTED
FOREST CONSERVATION
EASEMENT PLAT
DATE: 4/9/07
By: Michael C. Thompson
Washington County Planning Commission

I certify that I am a qualified professional per requirements of COMAR 08.19.06.01 for qualified professional status and, therefore, am qualified to prepare the attached Forest Conservation Plan. I further certify that this plan was prepared by me or under my supervision using the methods provided by the Washington County Forest Conservation Ordinance and Forest Conservation Manual. I certify that this Forest Conservation Plan is accurate and complete.

Apr. 5, 2007 — Date
Richard E. Rice — Richard E. Rice

OWNERS:
M. Yvonne & Maxwell B. Hope, II
22 Mt. Hebron Road
Keedysville, MD 21756

TAX MAP 73-13-271 DISTRICT 19	
DRAWING NUMBER 3 OF 3	
DRAWN BY: JLA/rer	DATE: Feb. 7, 2007
CHECKED BY:	DATE:
SCALE: 1" = 100'	

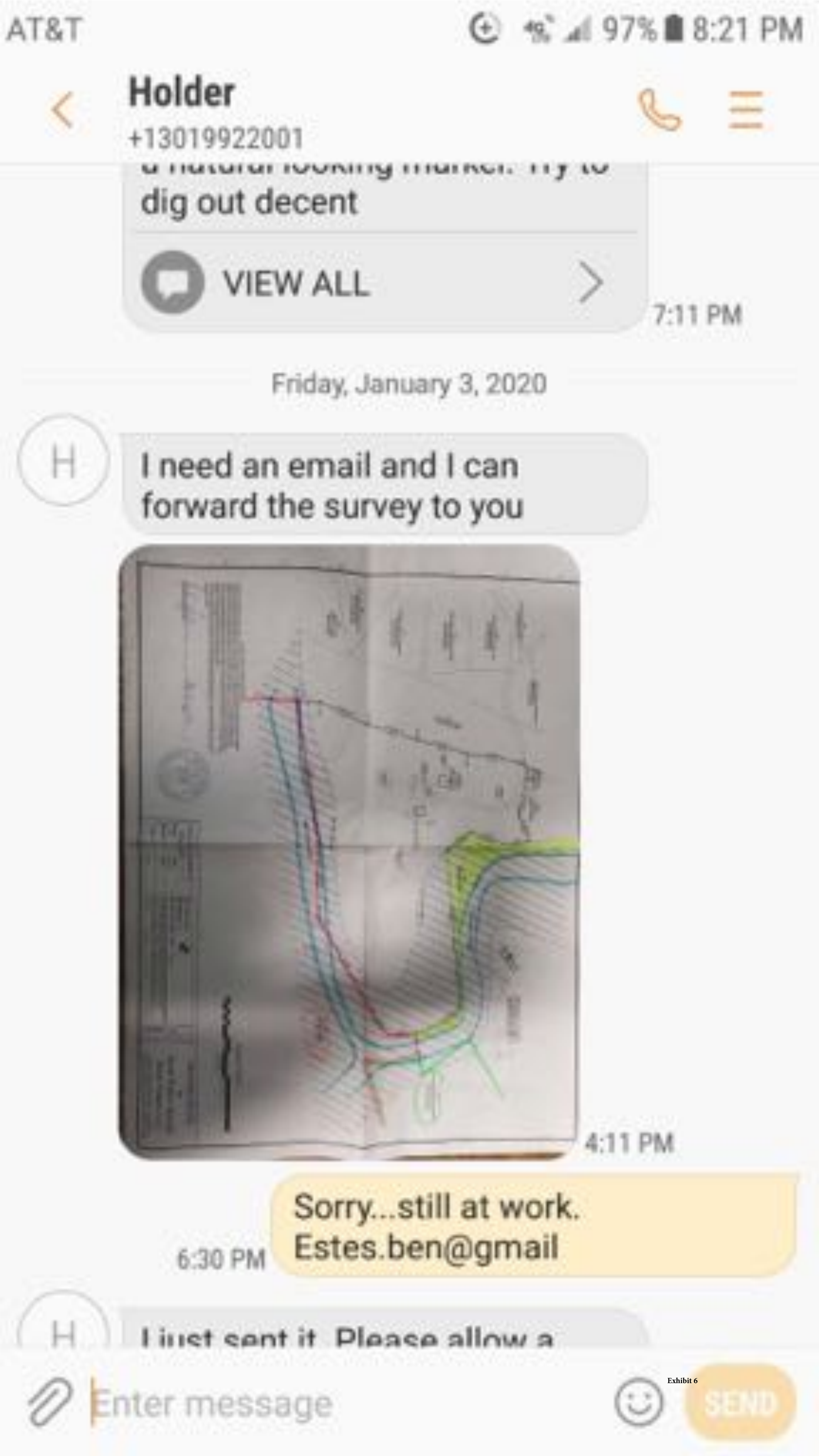
FREDERICK
SEIBERT &
ASSOCIATES, INC. ©2006
CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
(301) 791-3650 (301) 416-7478 FAX (301) 739-4956
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(717) 597-1007 FAX (717) 597-1028

JOB NUMBER: 1967.2

FOREST CONSERVATION EASEMENT PLAT
of
# Lot 2
for
M. Yvonne & Maxwell B. Hope, II
situate along the southern side of
Mt. Hebron Road
Town of Keedysville
WASHINGTON COUNTY, MARYLAND

P141810 MSA SSU 1255-7693-3

\ACAD\DRAWINGS\1967\Dwg\1967 FCP.DWG, 4/5/2007 5:42:17 PM, Oce_TDS600.Frederick_Seibert.pc3



AT&T
97% 8:21 PM

Holder
+13019922001

a natural looking marker. Try to
dig out decent

VIEW ALL

7:11 PM

Friday, January 3, 2020

H

I need an email and I can forward the survey to you

4:11 PM

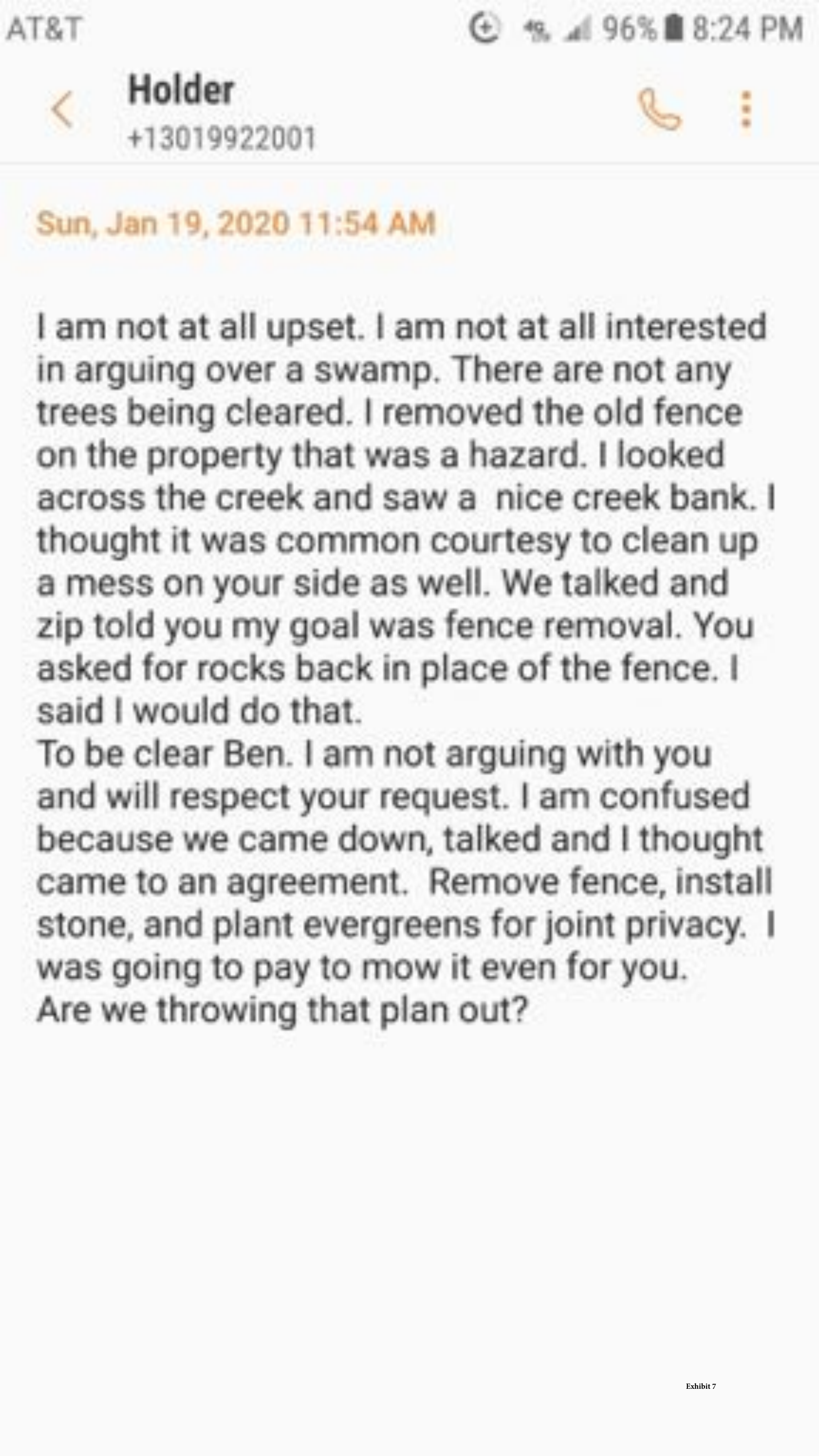
6:30 PM Sorry...still at work. Estes.ben@gmail

H

I just sent it. Please allow a

Enter message
SEND

Exhibit 6

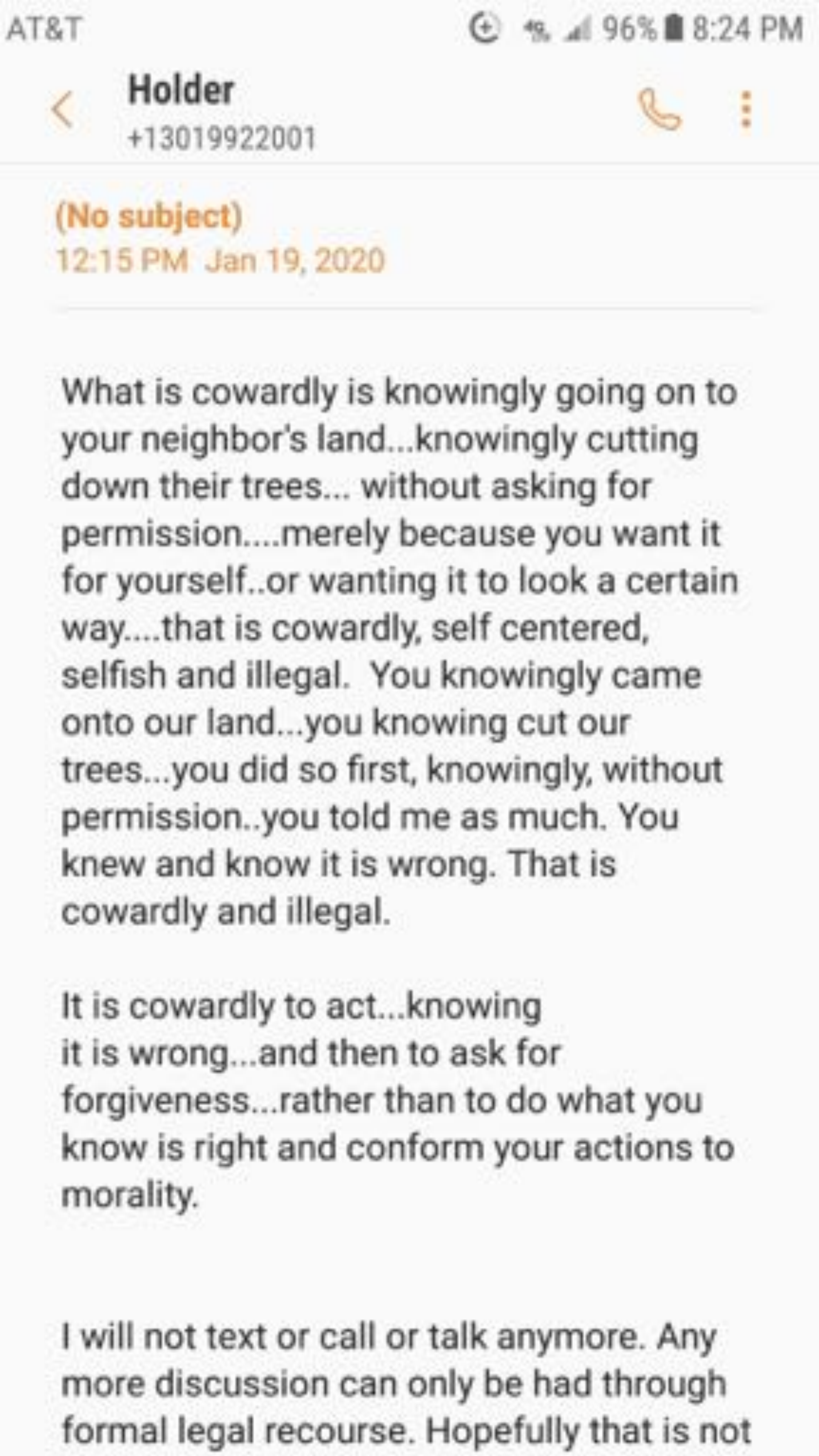


Holder
+13019922001

Sun, Jan 19, 2020 11:54 AM

I am not at all upset. I am not at all interested in arguing over a swamp. There are not any trees being cleared. I removed the old fence on the property that was a hazard. I looked across the creek and saw a nice creek bank. I thought it was common courtesy to clean up a mess on your side as well. We talked and zip told you my goal was fence removal. You asked for rocks back in place of the fence. I said I would do that.
To be clear Ben. I am not arguing with you and will respect your request. I am confused because we came down, talked and I thought came to an agreement. Remove fence, install stone, and plant evergreens for joint privacy. I was going to pay to mow it even for you.
Are we throwing that plan out?

Exhibit 7



Holder
+13019922001

(No subject)
12:15 PM Jan 19, 2020

What is cowardly is knowingly going on to your neighbor's land...knowingly cutting down their trees... without asking for permission....merely because you want it for yourself..or wanting it to look a certain way....that is cowardly, self centered, selfish and illegal. You knowingly came onto our land...you knowing cut our trees...you did so first, knowingly, without permission..you told me as much. You knew and know it is wrong. That is cowardly and illegal.

It is cowardly to act...knowing
it is wrong...and then to ask for forgiveness...rather than to do what you know is right and conform your actions to morality.

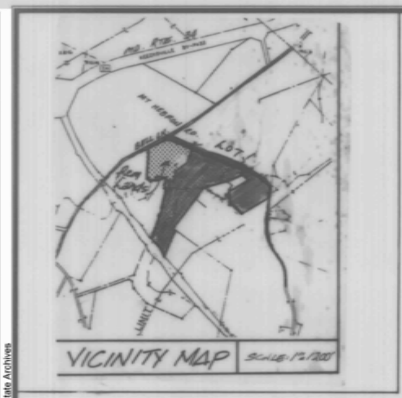
I will not text or call or talk anymore. Any more discussion can only be had through formal legal recourse. Hopefully that is not

2045

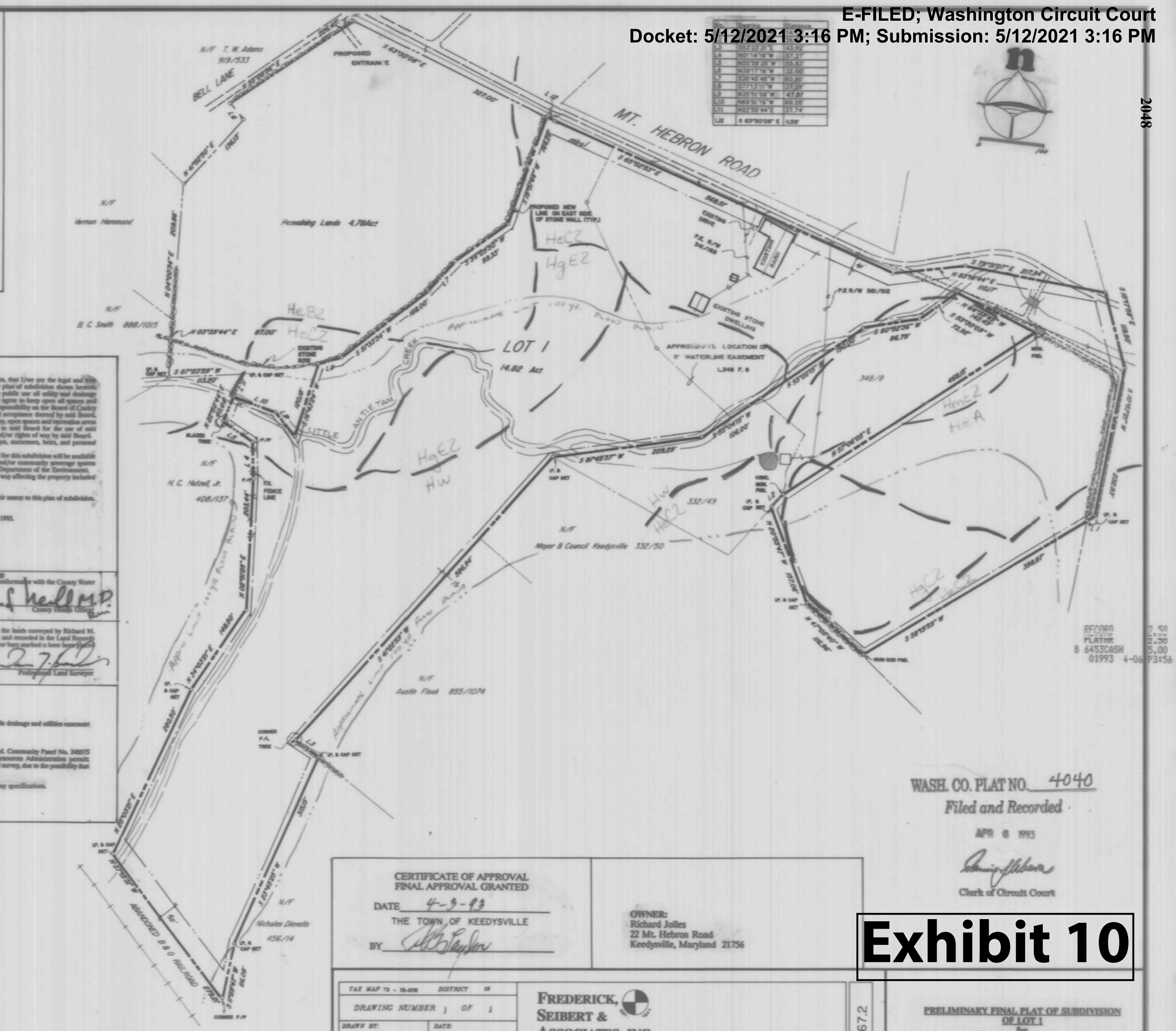
2046

EXHIBIT 9

Exhibit 9 is a video (Holder-Video.mp4), a hard copy of which will be filed with the Clerk’s Office.


VICINITY MAP
SCALE: 1"=2000'
MD. RTE. 34
MT. HEBRON RD.
BELL LANE
LOT 1
LITTLE ANTIETAM CREEK

No.	Bearing	Distance
L1	[illegible]	[illegible]
L2	[illegible]	[illegible]
L3	S53°33'31"E	43.92'
L4	N01°14'18"W	57.27'
L5	N55°59'35"W	55.83'
L6	N39°17'16"W	32.00'
L7	S39°45'46"W	60.90'
L8	S77°13'11"W	37.29'
L9	N35°51'09"W	47.81'
L10	N89°51'16"W	69.28'
L11	N22°50'44"E	37.74'
L12	S 63°30'08" E	11.58'


n
MT. HEBRON ROAD
BELL LANE
PROPOSED ENTRANCE
S 63°30'08" E
N/F T. W. Adams 919/533
N/F Vernon Hammond
Remaining Lands 4.78Ac±
N/F B. C. Smith 888/1015
N 03°35'44" E 87.00'
LOT 1 14.82 Ac±
LITTLE ANTIETAM CREEK
PROPOSED NEW LINE ON EAST SIDE OF STONE WALL (TYP.)
EXISTING DRIVE
EXISTING BARN
EXISTING STONE DWELLING
APPROXIMATE LOCATION OF 5' WATERLINE EASEMENT L346 F.6
P.E. R/W 361/312
348/9
N/F H. C. Hetzell, Jr. 408/137
N/F Mayor & Council Keedysville 332/50
332/49
N/F Austin Flook 855/1074
N/F Nicholas Dievalis 456/14
ABANDONED B & O RAILROAD
EX. FENCE LINE
I.P. & CAP SET
CORNER F.P. TREE
Approximate limit of 100 yr. flood plain
HeB2
HeC2
HgE2
HgE2
Hw
HmE2
HeA
HgC2

RECORD 2.50
PLATHR 2.50
B 6453CASH 5.00
01993 4-06 P3:56

WASH. CO. PLAT NO. 4040
Filed and Recorded
APR 6 1993
Clerk of Circuit Court

DEDICATION FOR INDIVIDUALS

I/we do hereby certify, for ourselves and our personal representatives, heirs and assigns, that I/we are the legal and true owner(s) of the property shown and described on this plat and that I/we hereby adopt the plan of subdivision shown hereon, hereby establish the minimum building restriction lines shown hereon, hereby dedicate to public use all utility and drainage easement areas and all alley, street, and road rights of way designated on this plat, hereby agree to keep open all spaces and recreation areas shown hereon and hereby agree that said dedication shall not impose any responsibility on the Board of County Commissioners of Washington County regarding the subjects of such dedications until legal acceptance thereof by said Board, and I/we hereby reserve the fee simple title to the land underlying said easements, rights of way, open spaces and recreation areas and with regard to said easements and rights of way, hereby agree to convey the same to said Board for the use of said Washington County, without consideration, upon the legal acceptance of said easements and/or rights of way by said Board.

This deed and agreement of dedication shall be binding upon my/our grantees, assigns, successors, heirs, and personal representatives.

I/We also certify that the community water and/or community sewerage system proposed for this subdivision will be available to all lots offered for sale. I/We also certify that plans for the community water supply and/or community sewerage system facilities, including any necessary point of discharge, have been approved by the Maryland Department of the Environment.

There are no suits, actions at law, leases, liens, mortgages, trusts, easements, or rights of way affecting the property included in this plan of subdivision except the following:

and all parties having an interest therein have hereunto affixed their signatures, indicating their assent to this plan of subdivision.

I/We do hereby assent to this plan of subdivision.
Witness our hands and seals this 24th day of March, 1993.

Richard M. Jolles (Seal)

(Seal)

Witness

Certificate of Approval of Community Water and Sewerage

I hereby certify that the use of community water and sewerage for this subdivision is in conformance with the County Water and Sewerage Plan.

Date: 4-1-93

John S. Neill M.D.
County Health Officer

LAND SURVEYOR'S CERTIFICATION

I hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the lands conveyed by Richard M. Jolles and Ann P. Matheson, his wife, to Richard M. Jolles by deed dated November 30, 1991 and recorded in the Land Records of Washington County, Maryland in Liber No. 1019, Folio 276 and that stones marked • and/or bars marked ○ have been placed as indicated.

Date: 3-24-93

Professional Land Surveyor

GENERAL NOTES

1. This lot to be served by public water and public sewer.
2. There is a 10 ft. wide drainage and utilities easement along all front lot lines and an 8 ft. wide drainage and utilities easement along all side and rear lot lines hereby reserved unless otherwise shown hereon.
3. Bearings based on deed North.
4. Soiltypes are as shown on the plat.
5. Approximate limits of 100-year floodplain shown hereon are per F.E.M.A. Maps(F.I.R.M. Community Panel No. 240075 0001B). Construction within this 100-year floodplain requires: a Maryland Water Resources Administration permit; compliance with the Washington County Flood Management Ordinance; a detailed wetland survey, due to the possibility that non-tidal wetlands may be present.
6. The remaining 4.78 acre tract is to constitute one single family lot.
7. The driveway into the remaining lands is to be constructed to Washington County Driveway specifications.

Frederick Ebert
LS 10731

CERTIFICATE OF APPROVAL
FINAL APPROVAL GRANTED
DATE 4-3-93
THE TOWN OF KEEDYSVILLE
BY

OWNER:
Richard Jolles
22 Mt. Hebron Road
Keedysville, Maryland 21756

Exhibit 10

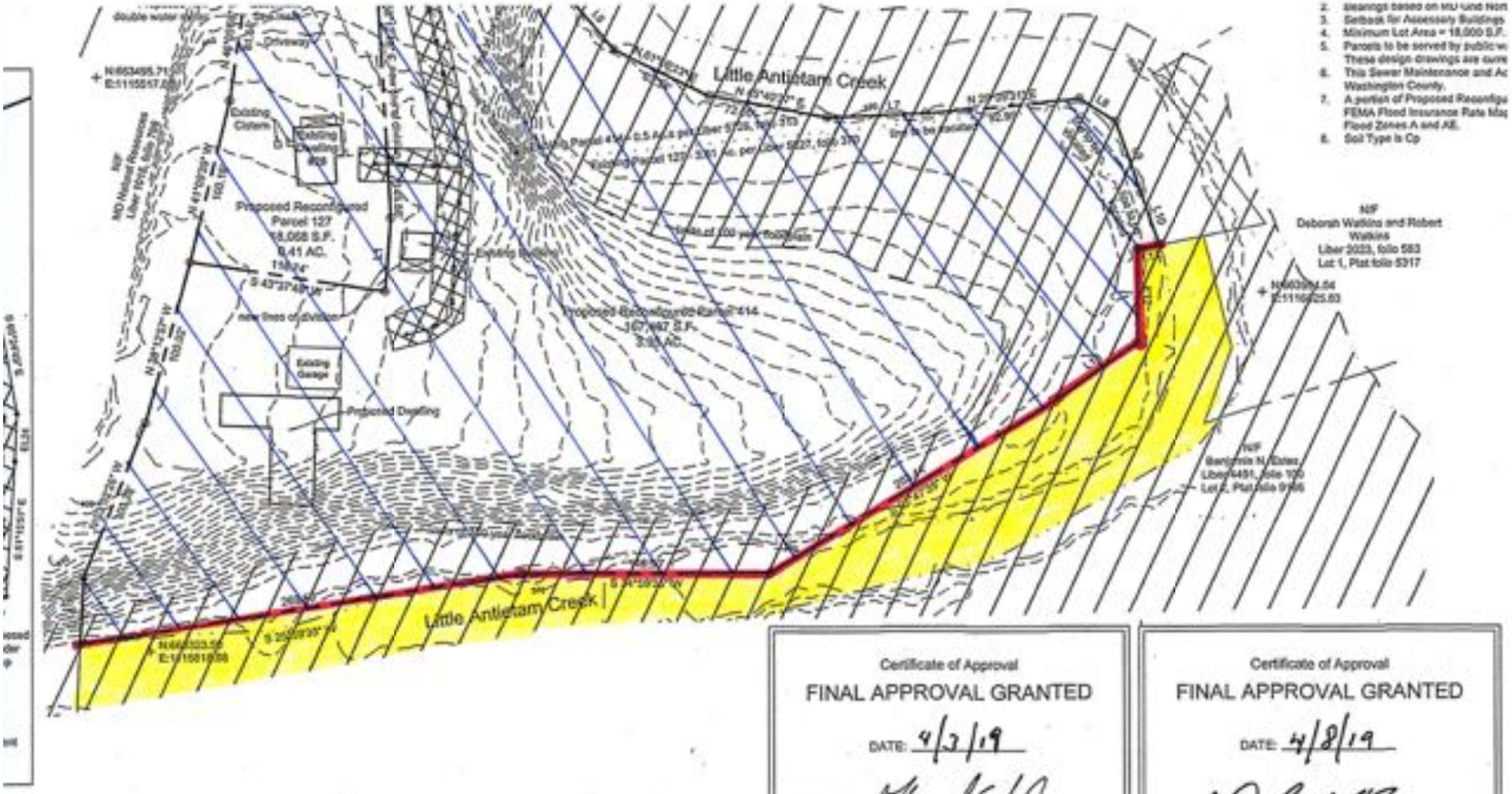
TAX MAP 73 - 13-108	DISTRICT 19
DRAWING NUMBER 1 OF 1	
DRAWN BY: CH	DATE: 3/22/93
CHECKED BY:	DATE: 3-24-93
SCALE: 1"= 100'	

FREDERICK,
SEIBERT &
ASSOCIATES, INC.
Civil Engineers ▪ Surveyors ▪ Landscape Architects ▪ Land Planners
128 South Potomac Street
Hagerstown, Maryland 21740
(301) 791-3650
(301) 416-7478
Fax (301) 739-4956
10 West Baltimore Street
Greencastle, Pennsylvania 17225
(717) 597-1007

JOB NUMBER 1967.2

PRELIMINARY FINAL PLAT OF SUBDIVISION
OF LOT 1
for
RICHARD JOLLES
situate along the south side of Mt. Hebron Road
Washington County, Maryland

Maryland State Archives


double water
Driveway
N:663495.71
E:1115517.0
N/F
MD Natural Resources
Liber 1916, folio 789
Existing Cistern
Existing Dwelling
Proposed Reconfigured
Parcel 127
18,068 S.F.
0.41 AC.
S 43°37'48" W
new lines of division
Existing Garage
Proposed Dwelling
Existing Building
Proposed Reconfigured Parcel 414
167,967 S.F.
3.85 AC.
Little Antietam Creek
Existing Parcel 127
L10
N/F
Deborah Watkins and Robert Watkins
Liber 2023, folio 583
Lot 1, Plat folio 5317
N/F
Benjamin N. Estes
Liber 4491, folio 100
Lot 2, Plat folio 9186
Little Antietam Creek
GRAPHIC SCALE

2. Bearings based on MD Grid Nort
3. Setback for Accessory Buildings
4. Minimum Lot Area = 18,000 S.F.
5. Parcels to be served by public w
These design drawings are curre
6. This Sewer Maintenance and Ac
Washington County.
7. A portion of Proposed Reconfigu
FEMA Flood Insurance Rate Ma
Flood Zones A and AE.
8. Soil Type is Cp

Certificate of Approval

FINAL APPROVAL GRANTED

DATE: 4/3/19

By:

The Town of Keedysville Mayor and Council

Certificate of Approval

FINAL APPROVAL GRANTED

DATE: 4/8/19

By: J. D. Randy O'Bu

The Town of Keedysville Planning Commission

TAX MAP 73-19-127/414 DISTRICT 19

DRAWING NUMBER 01 OF 01

DRAWN BY:

DATE

FREDERICK
SEIBERT &
ASSOCIATES INC.

Exhibit 11

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

BENJAMIN ESTES,

Plaintiff,

v.

JUSTIN HOLDER, *et al.*

Defendants.

Case No. C-21-cv-20-000430

AFFIDAVIT OF JOHN DOWLING, ESQ.

COMES NOW, the Affiant, and hereby swears and affirms under penalty of perjury and upon personal knowledge that the following is true and correct:

1. My name is John Dowling. I am over the age of eighteen (18) and am competent to testify.
2. My *curriculum vitae* is attached as Exhibit A, which accurately sets forth my education, experience, and professional credentials.
3. I have been retained in this matter by Plaintiff Benjamin Estes to serve as an expert in the field of land surveying and title to real property, and to serve as a rebuttal expert to the opinions of Defendants' expert George Nagel.
4. I have reviewed the deeds and recorded surveys for the Estes Property and the Holder Property.
5. Based on my review of these records, and my professional background, training, and experience, to a reasonable degree of probability in the field of land surveying and title to real property, the boundary line between the Estes Property and the Holder Property is accurately described in the "Preliminary/Final Plat of Subdivision of Lot 2 for M. Yvonne & Maxwell B.

Exhibit 14

Hope, II," prepared by Frederick, Seibert & Associates, Inc., dated September 27, 2006, and recorded in the Plat folio 9186 among the Plat Records for Washington County.

6. My opinion that the shared boundary line is consistent with Plat 9186 is based on the fact that the title deeds contain specific courses and distances for the shared boundary line, the title deed does not indicate that the shared boundary line is "binding" on Little Antietam Creek, the existence of the fence line, and the location of the starting point of the description.

7. I reviewed the survey prepared for Uncle Eddies in August 2021 by Defendants' expert, George Nagel with Fox and Associates, Inc. Based on my review of the records, and my professional background, training, and experience, to a reasonable degree of probability in the field of land surveying and title to real property, Mr. Nagel failed to actually plot the calls contained in Uncle Eddie's deed or the description of the deed, if his location of stone "BQT" is correct.

8. I have superimposed a red line on the Uncle Eddies survey prepared by Mr. Nagel to reflect segments of the Estes Property that is shown in deed 101-583, dated April 2, 1895. (Ex. B). I have superimposed a blue line on the Uncle Eddies survey prepared by Mr. Nagel to reflect segments of the Holder Property, reflected in Uncle Eddies' deed, WMcKK 6-363, dated March 22, 1872, if his S75°44'06" West 129.61 line is the S79° West 7.9 perch line. (*Id.*).

9. The "call" at the end of the North 50 degree, West 73 perch (1204.5 feet) line of 101-583 is to a stone planted on the "west Bank" of the Creek. (*Id.*). The "call" at the end of the South 20 degrees, west 17 perch line is for a stone planted near the west end of a stone abutment, not the stream. (*Id.*).

10. Mr. Nagel did not plot the calls contained in the deed or the description of the deed. The blue line that I had superimposed on the Uncle Eddies property shows where the calls would be if Mr. Nagel had plotted the deed lines if the 129.61 foot line was the 7.9 perch line.

I declare or affirm under the penalties of perjury that the content of the foregoing Affidavit is true and correct and is based upon personal knowledge.

John Dowling

0621-2022

Date

DEPO 8
DEED
COMPOSITE

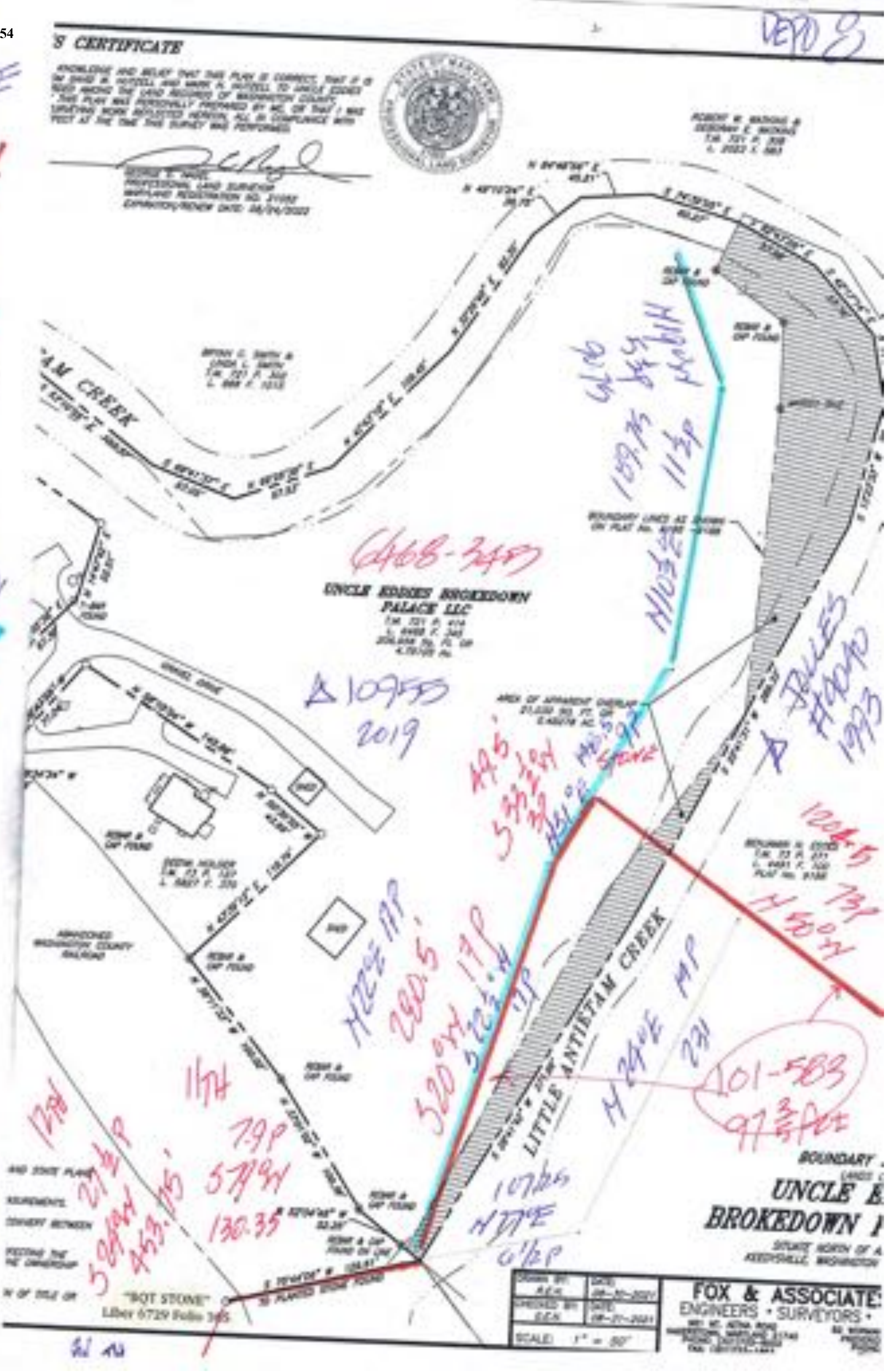
2054

ERH
3

~~OAR-1093~~
~~TU1-583~~

HMKK
6-313
13-22-1872

1.1P
SPONGERGRT


DEPO 8
'S CERTIFICATE
KNOWLEDGE AND BELIEF THAT THIS PLAT IS CORRECT, THAT IT IS
BY DAVID M. HUTZELL AND MARK A. HUTZELL TO UNCLE EDDIES
RDED AMONG THE LAND RECORDS OF WASHINGTON COUNTY
THIS PLAT WAS PERSONALLY PREPARED BY ME, OR THAT I WAS
SURVEYING WORK REFLECTED HEREON, ALL IN COMPLIANCE WITH
FECT AT THE TIME THIS SURVEY WAS PERFORMED.
PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION NO. 21092
EXPIRATION/RENEW DATE: 08/04/2022
AM CREEK
LITTLE ANTIETAM CREEK
6468-343
UNCLE EDDIES BROKEDOWN PALACE LLC
BOUNDARY LINES AS SHOWN ON PLAT No.
AREA OF APPARENT OVERLAP
REBAR & CAP FOUND
ABANDONED WASHINGTON COUNTY RAILROAD
616 dry 44 Hold
189.75
11 1/2 P
N10 3/4 E
△10955
2019
△ Jules Hood
1993
1204-5
73P
N 50 3/4 W
495'
S 35 3/4 W
30P
N41°E
Stone
N22E 17P
280.5'
S20 3/4 W 17P
S 20 3/4 W
11P
N34 1/2 E 14P
231
△01-583
97 3/5 Acs
107 ~~Acs~~
N 27 E
6 1/2 P
1 1/4 H
79P
S71 3/4 W
130.35'
12 H
27 1/2 P
S 38 W
453.75'
"BQT STONE"
Liber 6729 Folio 395
BOUNDARY
UNCLE E
BROKEDOWN
DRAWN BY: R.E.H.
DATE:
CHECKED BY: G.E.N.
DATE:
SCALE: 1" = 50'
FOX & ASSOCIATES
ENGINEERS • SURVEYORS •

AI AU

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

Received for Record
at o'clock M.
Liber folio

A 02
POSTGE .50
IMPRFE 2.00
DEED 14.00
A SUB 16.50
06 4286 8-23A10:28
AUG 23 1993

THIS CONFIRMATORY DEED, Made this 15th day of July, 1993, by RICHARD M. JOLLES, of Washington County, State of Maryland, Witnesseth, that:

WHEREAS, by deed dated May 14, 1993, and recorded among the Land Records of Washington County, Maryland, in Liber 1092 , folio 694 , the said Grantor herein intended to convey unto the Grantees herein all the following described real estate; and

WHEREAS, there was an error in the description contained in the last hereinabove referenced deed; and

WHEREAS, the Grantor and Grantees herein desire to correct said erroneous description.

NOW THEREFORE, THIS CONFIRMATORY DEED FURTHER WITNESSETH: That for no monetary consideration, but for other good and valuable considerations, the receipt of which is hereby acknowledged, the said RICHARD M. JOLLES does hereby grant, convey and confirm unto MAXWELL B. HOPE, II and M. YVONNE HOPE, his wife, all that parcel of land situate along the South side of Mount Hebron Road approximately 1/4 mile Southeastward from its intersection with North Main Street in the town of Keedysville in Election District No. 19, Washington County, Maryland, and more particularly described, according to a survey dated March, 1993, and description prepared by Frederick, Seibert & Associates, Inc., as follows:

BEGINNING at an iron pin and cap set along the South margin of Mount Hebron Road, said point being located South 63 degrees 30 minutes 08 seconds East 327.00 feet from the point of beginning of the lands conveyed by Richard M. Jolles and Ann P. Matheson to Richard M. Jolles by deed dated December 16, 1992, and recorded in Liber 1077, folio 442, among the Land Records of Washington County, Maryland, thence running with the remainder of the first line of the above referenced deed South 63 degrees 30 minutes 08 seconds East 11.58 feet to a point, thence South 65 degrees 52 minutes 53 seconds East 568.51 feet to an iron pin and cap set, thence North 83 degrees 18 minutes 44 seconds East 110.17 feet to a point in the fourth or North 79 degrees 31 minutes 07 seconds West 330 feet line of the deed to Charles C. Danner (Liber 809, folio 425), running thence with part of the fourth line reversed South 79 degrees 31 minutes 07 seconds East 217.94 feet to an iron pin and cap set, thence along lands of Roger Burtner (Liber 756, folio 137) and John T. Burtner (Liber 756, folio 140) South 15 degrees 17 minutes 58 seconds East 119.50 feet to an iron pin and cap set, thence along the centerline of the existing lane, (Mt. Hebron Road) South 10 degrees 57 minutes 21 seconds West 232.83 feet to a point, thence leaving said centerline South 58 degrees 19 minutes 59 seconds West 14.73 feet to an iron pin and cap set at the end of a stone row, running thence along other lands of Ellis G. Remsburg South 58 degrees 19 minutes 59 seconds West 398.87 feet to an iron rod found at the end of a stone row, thence with said stone row and lands of the Mayor and Council of Keedysville (Liber 332, folio 50) North 47 degrees 05 minutes 40 seconds West 116.96 feet to an iron pin and cap set at the end of said stone row, thence North 20

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 1108, p. 0582, MSA_CE18_1058. Date available 09/28/2005. Printed 11/27/2021.

Exhibit 16

degrees 55 minutes 47 seconds West 157.06 feet to an iron pin and cap set, thence along other lands of the Mayor and Council of Keedysville (Liber 332, folio 49 and Liber 348, folio 8) North 43 degrees 29 minutes 49 seconds East 26.71 feet to a concrete monument found, thence North 57 degrees 06 minutes 05 seconds East 468.15 feet to a concrete monument found on the South side on the existing lane, thence North 64 degrees 39 minutes 45 seconds West 142.49 feet to a point in the stream, thence at or near the centerline of said stream South 53 degrees 30 minutes 09 seconds West 73.92 feet to a point, thence South 80 degrees 52 minutes 36 seconds West 86.79 feet to a point, thence South 55 degrees 22 minutes 15 seconds West 190.00 feet to a point, thence South 55 degrees 04 minutes 15 seconds West 106.00 feet to a point, thence leaving said stream South 81 degrees 45 minutes 37 seconds West 229.29 feet to an iron pin and cap set, thence along lands of the Mayor and Council of Keedysville (Liber 332, folio 50) and the lands of Austin Flook (Liber 855, folio 1074) South 41 degrees 22 minutes 59 seconds West 586.94 feet to a corner fence line tree, thence South 53 degrees 33 minutes 31 seconds East 43.92 feet to the intersection of a stone row and post and wire fenceline, thence along lands of Nichols Diavatis (Liber 456, folio 14) South 23 degrees 45 minutes 25 seconds West 315.15 feet to an iron pin and cap set, thence South 11 degrees 29 minutes 47 seconds West 86.08 feet to a corner fence post, thence along the right of way of the abandoned Baltimore and Ohio Railroad and crossing the Little Antietam Creek North 37 degrees 15 minutes 31 seconds West 279.21 feet to an iron pin and cap set, thence along the West side of said creek and along the lands of Harry C. Hutzell, Jr. (Liber 408, folio 137) North 25 degrees 03 minutes 21 seconds East 280.50 feet to a point, thence North 34 degrees 03 minutes 21 seconds East 148.50 feet to a point, thence North 2 degrees 51 minutes 25 seconds East 203.44 feet to a fence post, thence North 1 degree 14 minutes 19 seconds West 57.27 feet to a fence post, thence North 55 degrees 59 minutes 35 seconds West 55.83 feet to a blazed fenceline tree, thence North 22 degrees 50 minutes 44 seconds East 40.64 feet to a point in the Little Antietam Creek, thence along or with said creek South 69 degrees 51 minutes 16 seconds East 69.28 feet to a point, thence South 35 degrees 51 minutes 09 seconds East 47.81 feet to a point, thence leaving said creek and running North 16 degrees 43 minutes 24 seconds East 120.18 feet to a point along the east side of an existing stone row, thence running with the East side of said stone row North 77 degrees 13 minutes 11 seconds East 37.29 feet to a point, thence North 51 degrees 33 minutes 34 seconds East 168.00 feet to a point, thence North 39 degrees 45 minutes 46 seconds East 60.90 feet to a point, thence North 54 degrees 29 minutes 50 seconds East 99.33 feet to a point, thence North 18 degrees 51 minutes 44 seconds East 174.03 feet to the point of beginning, said line being incorrectly shown on said plat as being 164.28 feet; CONTAINING 14.80 acres of land, more or less, incorrectly shown on Washington County Plat folio 4040 as 14.82 acres, more or less.

Said lands intended to be all of Lot 1 on a plat entitled "Preliminary Final Plat of Subdivision of Lot 1 for Richard Jolles" prepared by Frederick, Seibert & Associates, Inc., and recorded among the Plat Records of Washington County, Maryland, at Plat folio 4040.

SUBJECT to a deed for a right of way by Olive C. Remsburg, widow, to the Town of Keedysville, dated November 14, 1964, and recorded among the Land Records of Washington County, Maryland, in Liber 419, folio 693.

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 1108, p. 0583, MSA_CE18_1058. Date available 09/28/2005. Printed 11/27/2021.

BEING all the same property which was intended to by conveyed unto Maxwell B. Hope, II and M. Yvonne Hope, his wife, by Richard M. Jolles, by deed ated May 14, 1993, and recorded among the Land Records of Washington County, Maryland, in Liber 1092 , folio 694 .

The above described property is hereby conveyed subject to all conditions, restrictions and general notes as more particularly set forth on the aforesaid Plat as well as to any and all other conditions, restrictions, easements and rights of way of record applicable thereto.

And the Grantor herein does hereby covenant that, except as to the aforesaid conditions, restrictions, general notes, easements and rights of way, he will warrant specially the property hereby conveyed and that he will execute such other and further assurances of title as may be legally requisite.

WITNESS the hand and seal of the Grantor.

WITNESS:

Richard M. Jolles (SEAL)
Richard M. Jolles

STATE OF MARYLAND, COUNTY, to-wit:

I HEREBY CERTIFY that on this 15th day of July, 1993, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Richard M. Jolles, known to me to be the person whose name is subscribed to the aforegoing instrument, who did acknowledge that he executed the same for the purposes therein contained; and at the same time he also acknowledged that there is no consideration set forth in said deed.

WITNESS my hand and official Notarial Seal.

Notary Public

My Commission Expires: 8-1-95

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an Attorney, or by a Party to this instrument.

MAILED SEP 1 1993

Robert B. Stone, Attorney

MAIL TO:
Mr. and Mrs. Maxwell B. Hope, II
22 Mt. Hebron Road
Keedysville, MD 21756

AGRICULTURE TAX $ -0-
ACREAGE
CLERK

TAXES WAIVED
AUG 23 1993
TODD L. HERSHEY, TREASURER

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Washington County
8-23-93

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DLS 1108, p. 0584, MSA_CE18_1058. Date available 09/28/2005. Printed 11/27/2021.

Curriculum Vitae of John J. Dowling

Education

B.A., University of Maryland
J.D., University of Baltimore

Experience

Admitted to practice, Maryland Court of Appeals
Maryland Registered Land Surveyor, Property Line License No. 169
Over forty eight years experience in surveying
Over forty years experience as a Title Abstractor

Member

Anne Arundel County Bar Association
Maryland State Bar Association
Maryland Society of Surveyors
American Society of Civil Engineers
National Society of Professional Surveyors

Qualified As An Expert Witness Before:

Circuit Court, Allegany County
Circuit Court, Anne Arundel County
Circuit Court, Baltimore City
Circuit Court, Baltimore County
Circuit Court, Calvert County
Circuit Court, Carroll County
Circuit Court, Dorchester County
Circuit Court, Garrett County
Circuit Court, Howard County
Circuit Court, Montgomery County
Circuit Court, Queen Anne's County
District Court, Anne Arundel County
DNR, Administrative Law Judge
Board of Appeals, Anne Arundel County
Zoning Hearing Officer, Anne Arundel County
Port Wardens, City of Annapolis

[illegible]

Exhibit A

WASHINGTON COUNTY CIRCUIT COURT (Land Records) KR1 6468, p. 0345, MSA_CE18_6420. Date available 01/06/2021. Printed 09/22/2021.

CONFIRMATORY DEED

THIS CONFIRMATORY DEED, made this 18th day of July, 2020, by and between **David W. Hutzell** and **Mark H. Hutzell, Personal Representatives of the Estate of Mary Jane Hutzell**, who departed this Earth on or about September 22, 2014, surging Tenant by the Entirety of Harry C. Hutzell, Jr., who departed this Earth on or about January 11, 1992, GRANTORS, and **Uncle Eddies Brokedown Palace LLC**, GRANTEE.

WHEREAS, on December 19, 2014, the Orphan's Court of Washington County, State of Maryland (the "Court") granted administration of the Estate of the Decedent to David W. Hutzell and Mark H. Hutzell as Personal Representatives of the E state of the Decedent in Estate No. 70412; and

WHEREAS, Grantors, in the capacity of Personal Representatives of the Estate of the Decedent have and had complete and full power and authority by law to grant and convey the entire fee simple interest in the hereinafter described property; and

WHEREAS, as part of the administration of the Estate of the Decedent, Grantors desired to and did convey the entire fee simple estate in the hereinafter described property to the Grantee by deed dated April 10, 2018, and recorded among the Land Records for Washington County, Maryland at Liber 5726, folio 224 (the "4/10/2018 Deed"); and

WHEREAS, the description of the lands to be conveyed in the 4/10/2018 Deed was made in the said Deed "in accordance with a survey dated April 2018 by Frederick, Seibert and Associates, Inc.," (the "2018 FSA Description"), and

WHEREAS, Grantors and Grantee have discovered that the 2018 FSA Description contained numerous errors and did not fully describe the entire metes and bounds of the lands intended to be conveyed; and

WHEREAS, despite the errors contained in the 2018 FSA Description, in the said 4/10/2018 Deed, we, the Grantors, after reciting the said erroneous 2018 FSA Description, unambiguously stated: "Said lands intended on being all of the remaining lands as conveyed by Ivan S. Hammond and Virginia Hammond, his wife to Harry C. Hutzell Jr. and Mary Jane Hutzell, his wife by deed dated May 20, 1964 and recorded at Liber 408, folio 137 among the Land Records of Washington County, Maryland" (the "5/20/1964 Deed"), and noted the same as "**Being** the same property described in Liber 408 at Folio 137;" and

WHEREAS, to the extent that the erroneous 2018 FSA Description did not evidence an intent to convey all of the same lands as described from in the 5/20/1964 Deed, the Grantors and Grantee now desire to file this Confirmatory Deed to ratify and explicitly confirm that the 4/10/2018 Deed intended to, and did, in fact, convey all that fee simple right, title and interest in the lands to be described herein in a manner that is

Exhibit 15

WASHINGTON COUNTY CIRCUIT COURT (Land Records) KRT 6468, p. 0346, MSA_CE18_6420. Date available 01/06/2021. Printed 09/22/2021.

consistent with the deed and title history of record related to said lands; and

WHEREAS, although the 4/10/2018 Deed did expressly state that said lands were conveyed by said Deed "Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining," the said 4/10/2018 Deed did not expressly identify the perpetual use of the Cost Wagon Road, as further described herein, originating at Cost's Crossing, as further described herein, which was created by deed dated March 22, 1872 when the lands described herein were conveyed from Aaron and Malinda Cost to David Kretzer and recorded in W.McK.K. 6, folio 363 among the land records for Washington County (the "Cost/Kretzer Deed"); and

WHEREAS, the Grantors and Grantee desire by this Confirmatory Deed to declare and confirm expressly that all of the said Grantors' rights title and interest in the perpetual use of the said Cost Wagon Road was intended to, and did, in fact, convey to Grantee by virtue of the 4/10/2018 Deed; and

WHEREAS, the courses and distances described below were designed by the 1872 Cost/Kretzer Deed to convey all of the lands lying situate between the South East boundary of what was formerly the Washington County Railroad and the West Bank of the Little Antietam Creek, as the said Creek flowed at that time; and

WHEREAS, as a result, all of said lands bounding on said Creek were "fast lands" entitled to all the Riparian rights as established under Maryland Law and Common Law; and

WHEREAS, to the extent that the physical locations of the Western banks of said Little Antietam Creek have gradually moved since the time of the Cost/Kretzer Deed due to gradual accretion, reliction, and other natural forces, then by virtue of said Riparian rights, the lands conveyed by every deed since the Cost/Kretzer Deed are hereby now confirmed to include all of the lands lying situtate between the South Eastern boundary of what was formerly the Washington County Railroad and the nearest banks of the said Little Antietam Creek, even though parts of said lands may extend beyond the courses and distances stated in the description below.

- WITNESSETH -

That in consideration of the sum of Seventy-Seven Thousand and 00/100 Dollars ($77,000.00), which included the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt and sufficiency of which were acknowledged in the 4/10/2018 Deed, the said Grantors as Personal Representatives of the Estate of the Decedent, did thereby grant and convey to the said Grantee, as sole owner, in fee simple, **and by this Confirmatory Deed now confirm**, all that lot of ground situate in the County of Washington, State of Maryland and described as follows, that is to say:

All of the following described tract or parcel of land, situate, lying and being in the County of Washington and State of Maryland, and near the town of Keedysville. BEGINNING at a planted stone standing near and in a Northerly direction from the West end of what was formerly the Washington County Rail Road bridge across "Little antietam" where said stream passes through the lands formerly belonging to Jacob Keedy into the lands formerly belonging to Elias Snively and running thence down said Creek North 22 degrees East 17 perches, North 31 degrees East 9 perches, North 10.5 degrees East 11.5 perches, North 19 degrees West 5.5 perches to a planted stone, North 7.5 degrees East 0.5 perches, North 74 degrees West 13 perches, South 74 degrees West 6 perches, North 53.5 degrees West 7.4 perches to a stone, North 13 degrees East 0.9 perches to a stone, North 54 degrees West 10 perches, North 20 degrees West 3 perches into what was formerly a Mill dam, North 35 degrees West 1.8 perches, South 32 degrees West 2 perches, North 80 degrees West 2.8 perches, South 13.75 degrees West until it intersects the outlines of the Washington County Rail Road, thence bounding on the outlines of that road to the place of the beginning, containing 3.75 acres and 36 perches of land, more or less, the same being part of a tract of land called "The Resurvey of Fellfoot Enlarged," and part of a tract of land called "Gordon's Purchase" (sometimes referred to as "Gordin's Purchase" and sometimes referred to as "Gorgon's Purchase").

TOGETHER WITH the use of a wagon road to and from said land commencing at a stone planted on the West margin of the said Washington County Rail Road at what Aaron Cost called his Rail Road crossing ("Cost's Crossing") and running thence along the Western boundaries of said Rail Road South 30.75 degrees East 14 perches to a stone, South 36 degrees East 10.6 perches to what was formerly the lands of Jacob Keedy, thence along the division line between what were the lands of said Aaron Cost and said Jacob Keedy until it intersects the road leading from said Jacob Keedy's house to the County road leading from Keedysville to Martin Eakle's Mill.

BEING the same property conveyed by deed dated March 22, 1872 from Aaron and Malinda Cost, to David Kretzer and recorded in W.McK.K. 6, folio 363 among the land records for Washington County.

SAVING AND EXCEPTING THEREFROM that part of said land containing 80 perches more or less, as conveyed to James Baxter by David Kretzer and wife by deed dated February 21, 1874, and duly recorded in Liber W.McK.K. No. 6, Folio 435, one of the land records of Washington County;

TOGETHER WITH all of the rights, roads, water ways, easements, privileges, riparian rights, past and present, and appurtenances and advantages thereto belonging or in anywise appertaining.

BEING the same property conveyed by deed dated May 20, 1964 from Ivan S. Hammond and Virginia Hammond, his wife to Harry C. Hutzell, and Mary Jane Hutzell, his wife, and recorded in Liber. 408, folio 137 among the land records for Washington County.

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BEING the same property conveyed by deed dated October 23, 1961 from Vernon Hammond and Mary Hammond, his wife, Lester Hammond and Jane Hammond, his wife, Patricia Smith and Frank Smith, her husband, Leona Baker, widow, Leila Hammond, widow, Margaret Morgan, unmarried, Donal Hammond, unmarried, all of Washington County in the State of Maryland, Louis Sprankle, of Monmouth County in the State of New Jersey and her husband, Harry Sprankle, of Washington County in the State of Maryland to Ivan S. Hammond and Virginia Hammond, his wife and recorded in Liber. 374, folio 763 among the land records for Washington County.

BEING the same property conveyed by deed dated August 21, 1951 from Clarence L. Mace and Sarah C. Mace, his wife to Frank Allan Hammond and Vernie Ellen Hammond, his wife and recorded in Liber. 265, folio 235 among the land records for Washington County.

BEING the same property conveyed by deed dated December 30, 1937 from Charles L. Flook and Elizabeth A. Flook, his wife to Clarence L. Mace and Sarah C. Mace, his wife and recorded in Liber. 245, folio 75 among the land records for Washington County.

BEING the same property conveyed by deed dated April 20, 1942 from Paul H. Wyand, trustee to Chelo P. Flook and Charles L. Flook as joint tenants with the right of survivorship, and recorded in Liber. 218, folio 608 among the land records for Washington County.

BEING the same property conveyed by deed dated April 20, 1942 from Emory O. Flook and Bessie Flook, his wife, John J. Flook and Inez A. Flook, his wife, Frederick O. Flook and Flossie Flook, his wife,Chelo P. Flook, and Charles L. Flook to Paul H. Wyand, trustee, and recorded in Liber. 218, folio 607 among the land records for Washington County.

BEING the same property conveyed by deed dated March 20, 1920 from Franklin C. Baker and Emma F. Baker, his wife to Martin L. Flook, and recorded in Liber. 157, folio 535 among the land records for Washington County.

BEING the same property conveyed by deed dated March 18, 1920 fromThomas Jamison and Daisy H. Jamison, his wife, to Franklin C. Baker and Emma F. Baker, his wife, and recorded in Liber. 157, folio 108 among the land records for Washington County.

BEING the same property conveyed by deed dated December 28, 1918 from Peter S. Kretzer and Nannie Kretzer, his wife to Thomas Jamison and Daisy H. Jamison, his wife, and recorded in Liber. 154, folio 229 among the land records for Washington County.

BEING the same property conveyed by deed dated January 6, 1908 from Frank G. Wagamon and Leon Youteen, trustee's (2719 trust of david kretzer) to Peter S. Kretzer

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and Nannie Kretzer, his wife, and recorded in Liber. 127, folio 328 among the land records for Washington County.

BEING the same property conveyed by deed dated March 22, 1872 from Aaron and Malinda Cost, (survivior and heir of Samual Cost) to David Kretzer and recorded in W.McK.K. 6, folio 363 among the land records for Washington County.

BEING all of the same property conveyed by deed dated March 5, 1859 from John J. Keedy of Washington county, in the State of Maryland and Mary Ann Keedy of Washington county, in the State of Maryland, his wife to Samual Cost of Washington county, in the State of Maryland and recorded in Liber 14, folio 14 among the land records for Washington County, and part of the same property conveyed by ***Indenture*** dated September 10, 1832 from David Hess of Montgomery county, in the State of Ohio to Samual Cost of Washington county, in the State of Maryland and recorded in NN, folio 520 among the land records for Washington County.

And Grantors do hereby covenant to execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of the Grantors the day and year first above written.

The Estate of Mary Jane Hutzell

David W Hutzell
By: David W. Hutzell
Personal Representative

Mark H Hutzell
By: Mark H. Hutzell
Personal Representative

STATE OF MARYLAND
COUNTY OF WASHINGTON

This document was acknowledged before me on July 18th, 2020 by **David W. Hutzell**, in his capacity as Personal Representative of the Estate of Mary Jane Hutzell to be his/her act.

_________________________ (SEAL)
Signature of Notary

My Commission Expires: 9/26/2023

Kirk D Hilliard
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES September 26, 2023

STATE OF MARYLAND
COUNTY OF WASHINGTON

This document was acknowledged before me on July 18th, 2020 by **Mark H. Hutzell** in his capacity as Personal Representative of the Estate of Mary Jane Hutzell to be his/her act.

_____________________________ (SEAL)
Signature of Notary

My Commission Expires: 9-26-2023

I hereby certify that the foregoing instrument was prepared by, or under the supervision of, the undersigned, an attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

Adam D. Greivell, Attorney

Mail to:
Uncle Eddie's Brokedown Palace LLC
PO Box 420
Sharpsburg MD 21782

TODD L. HERSHEY, TREASURER
TAXES PAID 12/30/2020
AUTHORIZED BY:
PW

Kirk D Hilliard
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES September 26, 2023

WASHINGTON COUNTY CIRCUIT COURT (Land Records) KRT 6468, p. 0350, MSA_CE18_6420. Date available 01/06/2021. Printed 09/22/2021.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

BENJAMIN ESTES

Plaintiff

v.

JUSTIN HOLDER, *et al.*

Defendants

Case No. C-21-CV-20-000430

PLAINTIFF'S SECOND / REBUTTAL EXPERT WITNESS DISCLOSURE

The Plaintiff, by and through his undersigned counsel, discloses his rebuttal expert witness(es) pursuant to Md. Rule 2-402(g)(1):

John J. Dowling, Esq., 115 Cathedral Street, Annapolis, Maryland 21401, 410-269-1053. Mr. Dowling is expected to testify regarding the location of the shared boundary between Plaintiff's property and the property of the Defendants in rebuttal to the opinions expressed by George Nagel in his August 2021 "Boundary Survey – Lands of Uncle Eddies Brokedown Palace LLC". Specifically, Mr. Dowling is expected to opine that the shared boundary line with the property of Uncle Eddies Brokedown Palace, is accurately described in the "Preliminary/Final Plat of Subdivision of Lot 2 for M. Yvonne & Maxwell B. Hope, II" prepared by Frederick, Seibert & Associates, Inc. dated September 27, 2006 and designated as Job No. 1967.2 and recorded in Plat folio 9186 among the Plat Records for Washington County. Mr. Dowling is further expected to testify that Mr. Nagel's opinions is incorrect and not consistent with applicable surveying practices. Among other things, Mr. Dowling is expected to opine that a number of factors contribute to his opinion that the shared boundary line is consistent with Plat 9186, including, that the title deeds contains specific courses and distances for the shared boundary line, the title deed do not indicate that the shared boundary line is "binding" on the creek, the existence of the fence line, and the location of the starting point of the description. Mr. Dowling's findings and opinions will be based on his review of title for the properties at issue, physical inspections of the property at issue, review of prior survey plats, review of survey notes and other documents exchanged in this case, review of the depositions of designated experts, discussions with designated experts and platting out the pertinent boundary lines based on the chains of title. Mr. Dowling's *curriculum vitae* describing his qualifications is attached. Mr. Dowling has not prepared a written report. Mr. Dowling is being compensated at a rate of $240.00 per hour. Additional documents relating to Mr. Dowling's opinions will be produced via discovery supplement.

Plaintiff incorporates by reference his First Expert Designation and expects to call Frederic Frederick as detailed therein, to include the opinions set forth in Mr. Frederick's deposition(s), his written correspondence, and any opinions that Mr. Frederick is able to offer in rebuttal to those of Defendants' witnesses. Plaintiff reserves the right to call any experts designated by the Defendants, to retain, identify and designate rebuttal experts, and/or to designate additional experts as discovery progresses and in the event that any of the Defendants attempt to introduce opinions or theories that were previously not provided.

Respectfully submitted,

McNamee Hosea, P.A.

/s/ Mark W. Schweitzer
Mark W. Schweitzer, Esq.
CPF/AIS No. 9708180005
mschweitzer@mhlawyers.com

/s/ Aaron D. Neal
Aaron D. Neal, Esq.
CPF/AIS No. 0712120108
aneal@mhlawyers.com
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
Tel. 301-441-2420
Fax 301-982-9450

Attorneys for the Plaintiff

Certificate of Service

I hereby certify that on this 18th day of November, 2021, the foregoing paper filed via MDEC and thus served electronically upon all registered parties, including:

Brendan Callahan, Esq.
Justin Holder
Brandy Peeples, Esq.
Robert Kline, Esq.

/s/ Aaron D. Neal
Aaron D. Neal, Esq.

Justin Holder <jholder2004@gmail.com>

Appeal 061 Sept. Term 2023 - Record Extract Negotiation

1 message

Justin Holder <jholder2004@gmail.com> Sun, Jun 11, 2023 at 11:08 PM
To: benjamin estes <estes.ben@gmail.com>

Mr. Estes,

On June 2nd, 2023 I served Appellee with a Proposed Statement of the Records Extract.I have received the Appellee's Proposed Records Extract, attached hereto.

“(2) Within ten days thereafter, the appellee shall serve on the appellant a statement of ***any additional parts*** of the record that the appellee desires to be included in the record extract.” *Rule 8-501 - Record Extract [Effective until July 1, 2023]*, Md. R. Rev. Ct. App. & Spec. App. 8-501

The Appellees' proposed statement of the records extract is duplicatas of the Appellants record extract and therefore immaterial to the questions presented. Additionally, this appellant has limited his appeal to 2 issues of Md. Law.Thus the Plaintiff exhibits you have requested produced are immaterial to the questions presented.

(4) If the appellant determines that a part of the record designated by the appellee is not material to the questions presented, the appellant may demand from appellee advance payment of the estimated cost of reproducing that part. Unless the appellee pays for or secures that cost within five days after receiving the appellant's demand, the appellant may omit that part from the record extract but shall state in the record extract the reason for the omission. *Rule 8-501 - Record Extract [Effective until July 1, 2023]*, Md. R. Rev. Ct. App. & Spec. App. 8-501

The approximate cost to produce the record extract is 25 cents per page. I will need to produce 16 copies of each page for a total of $4.00 per page. Appellee is requesting over 2500 pages of immaterial pages be included in the records extract and the Appellant request payment of $10,000 to cover his cost to produce duplicative pages of the extract. Please forward those cost in 5 days or I will place a note in the records extract as to why these pages have been omitted.

Respectfully,

Justin Holder

Appellee's Proposed Records Extract.pdf
414K

Gmail

Justin Holder <jholder2004@gmail.com>

Appellee Record Extract - 2nd Request for Cost and Fees

1 message

Justin Holder <jholder2004@gmail.com> Mon, Jun 12, 2023 at 10:01 PM
To: benjamin estes <estes.ben@gmail.com>

Mr. Estes,

The record's extract discussion is becoming burdensome. It is not Appellant's duty to parse through what Appellee wishes to include and compare it to the Appellant's extract. Today is day 10 after Appellee was served with the proposed extract.

The attached Appellee's addition to Appellant JH proposed extract contains request for memorandum in law and duplicate copies of transcripts and exhibits. These are unnecessary to the appeal because they are either already in the extract or argument. I do not see any relevance to Jeffrey Young's Complaint to quiet title to this appeal or the motion to post the property and sheriff return. The papers filed after the Jan 30th 2023 judgment would also not be before the court in this appeal. The Video record Appellee request is transcribed in the trial testimony, and can not be placed in the extract.

I can add the Trial Exhibits you have requested on the last page. They are the only records pertinent to the appeals at issue.

The extract is over 2000 pages as is. If Appellee would want Appellant to add the 511 pages (by my count) Appellant demands fees in 5 days by check in the amount of $2044.
Without the payment, Appellant will include a statement the records were omitted.

Respectfully,

Justin Holder

Appellee's addition to Appellant JH proposed Record Extract.pdf
544K

Gmail Justin Holder <jholder2004@gmail.com>

RE: Note to all parties re Record Extract 6 16 23

1 message

Justin Holder <jholder2004@gmail.com> Fri, Jun 16, 2023 at 11:23 PM
To: benjamin estes <estes.ben@gmail.com>

Mr. Estes,

I appreciate the additional information you have included in the spreadsheet. ***This request has been served past the 10 day deadline, and your rights are technically foreclosed.***

In this appeal, you started off with a very burdensome list that included a large portion of duplicate items, which the Appellant requested fees. The Appellee then reduced the list, but it still contained over 500 duplicate records, Appellant again requested fees. This request, while late, would be more inline with standard procedure.

1) The court would appreciate a concise extract, 2) Appellant should not be burdened with parsing through duplicate records. Let me suggest that what the court is looking for is the evidence, testimony, documents and judges' reasoning.

For example, an expert designation may be useful, if there was a discovery dispute, or challenge to the actual designation coming. Your request for the Frederick non-retained Expert designation could be useful if we had a trial with experts, or I was blocked from discovery and that prejudiced me in summary judgement, etc. The reason you state "Necessary for determination of potential issues regarding property lines and deed interpretation on appeal" is simply not admissible evidence, as would be an affidavit, documents or deposition testimony. Thus, the Frederick expert deposition is not reasonably required for the Appellate Court's review.

Without waiving any objection or rights, I do not see any duplicate records in the list Appellee provided. In good faith I will agree to the following procedure to settle any disputes:

"If the Appellee can send Appellant the records with a bates stamp on the top left beginning at "2016"by close of business Monday June 19th 2023, Appellant will add the records to the extract as additional volumes. Please keep each volume under 34.5 MB size for MDEC upload. If Appellee would like certain documents in color, group them together in 1 volume, otherwise they will be printed in B/W. Appellant will produce cover pages."

The aforementioned solution would please the court, to have a concise extract for review. If that solution is not acceptable to Appellee, then Appellee should add his records as an Appendix.

Regards,

Justin Holder